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1800

MINUTES

OF THE

PROVINCIAL COUNCIL

OF

PENNSYLVANIA.

FROM THE ORGANIZATION TO THE TERMINATION OF THE
PROPRIETARY GOVERNMENT.

PUBLISHED BY THE STATE.

VOL. II.

CONTAINING THE PROCEEDINGS OF COUNCIL FROM DECEMBER
18, 1700, TO MAY 16, 1717.

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MINUTES

OF THE

PROVINCIAL COUNCIL OF PENNSYLVANIA.

At a Council held at Philadia y^e 18th of 10br, 1700.

PRESENT:

The Proprietary and Governour.

Edward Shippen,	Esq'rs.	John Moll,	Esq'rs.
Saml. Carpenter,		William Biles,	
Thomas Story,		Humphry Murray,	

Thos. Tress and Nicholas Pierce, Overseers of the poor of the Town of Philadia, complain that they have been out of Purse to the value of about £42, Laid out for the use of the poor, more than what they have receiv'd, and desired this Board would direct a method for their being reimbursed.

Ordered, That the Justices of the City be Sent for to come before the Gov^r to-morrow morning about 10 of y^e Clock, to concert measures to be taken in that affair.

Griffith Jones, first Purchaser, and Henry Elfrith, mean Purchaser under him, complain That part of a Bank Lott in the ffront Street, before the Blue Anchor, granted by the Prop'rs Comm'rs by patent to the said Griffth. Jones, and by him sold to John Townsend, who sold it to the said Elfrith, was by a Publick Order of Gov^r Lloyd, attended by the Justices, taken for the use of the Publick, the said Efrith's building hindred and stop't, to their great Damage, by the ground-rents not being paid to Griffith Jones, and by Henry Elfrith's being molested, and thereupon his materials for building in a great measure lost.

Henry fflower & other Evidences appeared & Certified that the Justices stopt Elfrith's building about the Year 1691, and would not suffer him to proceed therein.

Adjourned till to-morrow, 10 of y^e Clock.

Att a Council held at Philadelphia y^e 19th of 10br, 1700.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,	Esq'rs.	Samuel Carpenter,	Esq'rs.
John Moll,		Humphry Murray,	
Thomas Story,			

In pursuance of the order of yesterday, that the Justices should be summoned to Conclude on Measures for Satisfying the Debt due to the Overseers of ye Poor.

Accordingly Saml. Richardson, Nathan Stanbury and John Jones (Edwd. Shippen being in the Council) appeared, and the Measures being Debated, It was agreed that the said Justices shall forthwith confer with the said Overseers on the subject; and accordingly they went, and Returning, Edwd. Shippen Reported that it was agreed that if the money could be raised before next County Court for Philadia, for which Endeavours should be used, the said Overseers should continue in their Charge; if not, they must wait till the County Levy be raised, and in the mean time, be left to their choice whether they would act further or not.

The Business of Henry Elfrith and Griffith Jones being adjourned yesterday to this morning, was again brought on.

Ordered that David Lloyd, in whose hands several papers relating to that Affair are said to be lodged, should be call'd, and accordingly he came, and produced a petition signed by several Housekeepers and Inhabitants, requesting that there being the greatest Conveniency of a landing Place & harbour at that place of the bank where the blue Anchor Stood, it should be ordered by the Govr and Council, who have power thereof, to be laid out for a Public Landing place & harbour, that being the Inducing reason at first to Settle the Town where it now is.

There was also produced an Order of Council held at Philadia ye 4th 6 Mo, 1691, in ye rough Draught, that there should the place be reserv'd for a Landing place, &c.

Resolved, That there shall be measures taken by next Council day, that the Town of Philadia shall make Satisfaction to the said Elfrith for the Losses he has sustained.

At a Council of the 11th of 7br, 1700, upon a Petition of Joseph Ashton for a Road, It was Ordered that a Report of the 6 Surveyors of the said Road should be made on the 25th of the same month, but no Council being held, through the Govrs Absence, the Rept was this Day brought in by the said Ashton, Subscribed by 2 of the overseers, and 5 more of the Neighbours, the other 4 not Complying, importing That the Difference of the Roads was but 13 perches, and that which J. Ashton desired was much the better ground; wch Report being duly weighed and Considered, Resolved that Road requested by said Jos. Ashton appeared reasonable, but that it could not now be fully concluded, and therefore, Ordered that it should be yet left to a further Consideration.

A Petition of George Northrap was read, Complaining that a Road being laid out by Order of the Court to Petr. Dale's Mill, through the Petitrs Plantation, his Cornfield fence coming in upon the Road as laid out, was Cutt and thrown down, to his great Damage, without any necessity or Conveniency to the persons that did it, & therefore requests that he may be redressed. He Complains also, that there are two

Roads through his Land lying very near together, by wch he is a great sufferer, And desires that they may be both laid into one, wch will be as convenient. Ordered that this be left to be considered with Jos. Ashton's business.

Application being again made to this Board by Wm. Smith, in pursuance of his Petition formerly given in, That his Son Wm. Smith, Prisoner in the County Goal of Philadia for a Rape, might be admitted to Bail, y^e Rigour of the season & the length of time by his not being brought to Trial in Sept. last, rendering his confinemt extream hard & scarce Supportable. Jno. Moore, Attorney Genl for the King, & D. Lloyd for y^e Prisoner, appeared. It was pleaded by D. Ll. in behalf of the Prisoner, that felones had often been bailed, tho' felony of Death. Objected by the King's Attorney, That this was only where y^e Presumption of Innocence was Strong, wch here was the contrary; but continued to say, it was his Opinion he might & ought to be bailed as the Case now stood, for that it would scarce be possible to convict him for want of Evidence, he having clandestinely married the Woman in prison he Committed the Rape on, & as they were now one flesh, she could give no Evidence agst her Husband.

Elizth. Henbury, the Woman herself, was sent for, & appearing She Confess'd her former Evidence given before E. Shippen; As also, that she was since married, to wch she says she was perswaded to save y^e man's life, & a Certificate of their Marriage under y^e hands of 13 persons was produced, wch, tho' not Legal, must invalidate the Evidence, or take off the force of it.

Ordered Thereupon, that Edwd. Shippen, take Bail by Recognisance of the father and Son, in the sum of five Hundred pounds, for the said Prisoner's appearance at the next Provincial Court at Philadia, &c.

At a Council held at Philadelphia y^e 14th of 12th Mo, 1700.

PRESENT:

The Proprietary and Governour.

Edward Shippen, Saml. Carpenter,	Esq'rs.	Griffith Owen, Humphry Murray,	Esq'rs.

A Certain Negroe, Named Jack, having sometime in the 6th month last, by firing a Gun, killed a Young English man, Son to William Rakestraw, for which he was Committed close Prisoner in the Gaol of Philadia, where he has to this time Continued, And it being necessary that his Trial should be Expedited,

Ordered, because the late law past in the last Sessions of Assembly for Trial of Negroes, does not look back to acts perpetrated before the Publication of the Said Law, and because the former Law cannot be now thought in force, That the said Negroe shall be tried by, & According to the Common Law of Engld.

The last Assembly Genl held at Newcastle, having been prorogu'd by the Propry and Gov^{r} to the first Day of the Second month next, It was proposed by the Gov^{r} to be considered, whether the said Assembly should meet on the Day to wch it was prorogued, or should be Dissolved; Ordered That the Consideration thereof be adjourned to the next Sitting of Council.

The Petition of the freeholders in and about the Town of Chichester, was read, setting forth that Lieut. Gov^{r} Markham & Council, had granted to the said Town of Chichester, the Privilege of a fair and Market, & therefore, humbly requests that what was then imperfectly done, the Gov^{r} would be pleased fully to Compleat and perfect.

Resolved, that they shall have a Charter for a ffair & Market, wth this proviso:

That because some Complaints have been made agst fairs in general, their fair should, notwithstanding any thing Contain'd in the said Charter, be put down whenever it should be thought fitt that the other fairs of the Government should be also suppressed.

Adjourned.

Att a Council held at Philadia y^{e} 15th of 12th Mo, 1700.

PRESENT:

The Proprietary and Governour.

Edward Shippen,
Saml. Carpenter,
Thomas Story, } Esq'rs.
Griffith Owen,
Humphry Murray, } Esq'rs.

The Consideration of the Prorogation of the Assembly being adjourned to this day, the matter was again taken up & debated. It was observed that some of the Laws past in the last Sessions of Assembly, being in some things deficient, and in others redundant, especially that of Marriage; that for the Trial of Negroes, &c. therefore, it was proposed to be Considered, whether It might not be expedient that the Assembly should be again called to review and amend them.

Objected, That at the Prorogation, the Proprietary & Gov^{r} gave the members his Word they should meet no more this Year, unless Something of great momt and Emergency occurred, that rendered it necessary, & the People in general will be very uneasy at the Expense and trouble.

Resolved, That what has been proposed of reviewing the Laws, will not be thought of sufficient momt to have the Assembly Call'd, & therefore,

Ord'd, That a Proclamation be issued for proroguing the said Assembly till a longer time, but that they be not yet dissolved.

The business about the free landing Place at the blue Anchor, debated here before this Board, on the 19th day of the 10th Mo last, was again Considered.

Ordered, That it be still recommended to the persons to whom it was before recommended, further to Continue their Care & consult some of the most Considerable Inhabitants in Town, who may chiefly have the benefitt, and See what can be done therein.

It being represented that the Law made & past agst Strangers travelling without Passes, and obliging Inkeepers to give notice to some Magistrate of Strangers coming to lodge at their Houses, has been much neglected, and Seldom putt in practice.

Ordered, that there shall be a Proclamation drawn up and Published, requiring all persons more duly to observe the said Laws, & more effectually to putt them in Execution.

And then adjourned to next third day, at 10 in ye morning.

At a Council held at Philadia ye 18th of 12th Mo, 1700.

PRESENT:

The Proprietary and Governour.

Edwd. Ship pen,
Saml. Carpenter, Esq'rs.
Griffith Owen,

Thos. Story,
Humphry Murray, Esq'rs.

Pursuant to the order of ye last Sitting of this Board, The Proclamation wch should have been drawn up to inforce, And more vigorously putt in Execution these Paragraphs in the two Laws past in this Province, agst Pirates & Illegal Trade, relating to Strangers travelling without Passes, Inkeepers entertaining Strangers without giving Notice to a Magistrate, &c, was called for, but not being ready It is ordered That such an Instrument be forthwith drawn up and Published, Strictly requiring that no Stranger shall travell without a Pass, and that All Inkeepers and keepers of Public Houses and Ordinaries, give due notice of all Strangers coming to their houses to some Neighbouring Magistrate, or in case of remoteness from a Magistrate, to 2 Housekeepers of the Neighbourhood; Also, that no fferrymen, wherrymen, Boatmen, &c., transport or carry any Stranger or Suspecious person, without producing a good Testimonial under the Hand of a Magistrate.

Ordered also, That no fferrymen shall be permitted to ply the River Delaware, in this Governmt, without first giving Bond at the Secry Office; That they shall not carry out of nor into this Province, any Strangers that may be Suspected of Piracy. or being Criminals on Runaways.

Att a Council held att Philadelphia yᵉ 5th of 1st Mo, 1700-1.

PRESENT:

The Proprietary and Governour.

Saml. Carpenter, Thos. Story,	Esq'rs.	Griffith Owen, Caleb Pussey,	Esq'rs.

A Petition Subscribed by ffr. Danl. Pastorius, by Order and in behalf of the German Corporation, was read; Setting forth That by the Proprietaries advice And Directions, they had Seated themselves So close together that they Scarce have room to live, but Especially That the Propriet'ry by his Charter in the Year 1689, had granted Several Considerable Privileges to the Germans of the Said Town, by making them A Corporation, by virtue of wch they looked upon themselves exempted from the Jurisdiction of yᵉ County Court of Philadia, and from all Taxes & Levies of the Same, having a Court of Record & Magistrates within themselves, and Defraying all the Public Charges of their Said Town & Corporation, without any Assistance from the rest of the County; At wch some persons being dissatisfied, They request that the Govʳ by way of Explanation, would declare that they are exempted from all the said Charges & County Levies.

Their Charter being called for, a Copy of it Produced, by wch it appeared they had a full Power of holding a Court of Recording and of trying Causes Judicially within themselves, but had no other grant for Representatives to Sitt in Assembly than what yᵉ rest of the County had.

It was objected therefore that they having the Same Privilege of choosing members wth yᵉ rest of the County, ought to bear their proportion there of their Charges, but that being done by a County Charge only and not a Provincial, if they were exempted from the Jurisdiction of the Courts of Philadia, they would by that means enjoy the Privilege of the Laws & yet Contribute nothing tow'ds yᵉ said Charge. Also, that the Roads & Bridges near their Corporation, but without yᵉ Bounds of it being chiefly for their Service, ought not to be bore by the County while they all went free.

[To this it was answered, That they Were at the Charge of all their own highways & Bridges which were Serviceable to the Country, no less than yᵉ others were to them.]

Hereupon this Several Difficulties arising, It was Ordered that yᵉ full Consideration of the whole affair should be deferred till another Council day.

The Business about the free Landing Place, moved to this Board on yᵉ 15th of yᵉ last month, was this day again moved, and Inquired how far those persons to whose care it was committed had proceeded, and what they had effected therein; Who answered, That upon Trial made wth Several of the Inhabitants, they found no Inclination towards Complyance wth what was proposed; whereupon it was

Ordered that about a score of the most Considerable Inhabitants in yᵉ lower ends of the front and Second Street, should be Summoned to meet the Govʳ at 4 in the afternoon. Ordᵈ that the Secry Should Send a Summons.

And then adjourned to 4 in yᵉ afternoon.

POST MERIDIEM, ejusdem diei.

Present yᵉ Same as before.

Pursuant to the Summons ordered in the morning, Seventeen of the Inhabitants appeared, & the Subject matter was proposed and fully discoursed of, but they shew'd no Inclination to comply wth what yᵉ Govʳ thought might reasonably be expected of ym, & they were thereupon dismissed.

Att a Council held att Philadia yᵉ 23d of 2d Mo, 1701.

PRESENT:

The Proprietary and Governour, wth some members of Council & divers others, with the Sasquehannagh Indians.

Connoodaghtoh, King of the Sasquehannah Minquays or Conestogo Indians, Wopaththa (alias Opessah,) King of the Shawanese, Weewhinjough, Chief of the Ganawese, inhabiting at the head of Patowmeck; Also, Ahoakassongh, brother to the Emperour or great King of the Onondagoes of the five nations, having arrived in Town two days ago, with Several others of their great men, and Indian Harry for their Interpreter, with some of their young People, women and Children, to the number of about forty in the whole. After a Treaty and Several Speeches, the following Articles were Solemnly agreed on.

ARTICLES.

Articles of Agreement Indented, made, Concluded & Agreed upon at Philadia the 23d day of yᵉ 2d month, Called April, In the Year 1701, Between Wm. Penn, Proprietary & Govʳ of the Province of Pennsylvania & Territories thereunto belonging, on yᵉ one part, and Connoodagtoh, King of the Indians Inhabiting upon and about the River Sasquehannah in the Said Province, And Widaaph, (alias Oretyagh,) Koqueeash & Andaggy-Innekquagh, Chiefs of the said nations of Indians, & Wopaththa, King & Lemoytungh & Pemoyajooagh, Chiefs of the nations of the Shawonnah Indians, And Ahookassongh, brother to the Emperour, for and in behalf of the Emperour, (& Weewhinjongh, Chequittagh, Takyewsan & Woapaskoa, Chiefs,) of the nations of the Indians Inhabiting in & about the Northern part of the River Powtowmeck, in the said province, for & in behalf of themselves & sucessors, & their several nations, and the People on the other part, as followeth:

That as hitherto there hath always been a good understanding & Neighbourhood between the sd Wm. Penn & his Lts, since his first arrival in the said Province, and the Several Nations of Indians inhabiting in and about the same, So there shall be forever hereafter a firm and lasting peace Continued between Wm. Penn, his Heirs & successors, & all the English & other Christian Inhabitants of the Said Province, & the said Kings and Chiefs, & their successors, & all the Several People of the nations of Indians aforesaid; And that they shall forever hereafter be as one Head & One Heart, & live in true friendship & Amity as one People.

[Item.]

That the Said Kings and Chiefs, (each for himself & his People Engaging,) shall at no time Hurt, Injure or Defraud, or suffer to be Hurt, Injured or defrauded by any of their Indians, any Inhabitant or Inhabitants of the Said Province, either in their Persons or Estates, And that the said William Penn, his Heirs & Successors, shall not suffer to be done or Committed by any of the subjects of England wthin the Said Province, Any Act of Hostillity or Violence, wrong or Injury, to or against any of the Said Indians, but shall on both sides at all times readily do Justice, & perform all Acts & Offices of friendship & Good will to oblige each other, to a lasting peace, as aforesaid.

[Item.]

That all and every of the said Kings & Chiefs, and all and every particular of the Nations under them, shall at all times behave them-, selves Regularly & Soberly, according to the Laws of this Govermt while they live Near or amongst y^e Christian Inhabitants thereof, And that the Said Indians shall have the full & free privileges and Imunities of all the Said Laws as any other Inhabitants, they Duly Owning & Acknowledging the Authority of the Crown of England and Government of this Province.

[Item.]

That none of the said Indians shall at any time be aiding, Assisting or Abetting any other nation, whether of Indians or Others, that shall not at such time be in Amity with the Crown of England & with this Governmt.

[Item.]

That if at any time any of the Said Indians, by means of evil minded Persons and sowers of sedition, should hear any Unkind or disadvantageous reports of the English, As if they had Evil designs against any of the Said Indians, In such Case such Indians shall send notice thereof to the Said Wm. Penn, his Heirs or Successors, or their Lieut'ts, and shall not give Credence to the said reports, till by that means they shall be fully satisfied Concerning the Truth thereof: And that the said Willm. Penn, his heirs and Successors, or their Lieut'ts, shall at all times in such Cases do the like by them.

[Item.]

That the said Kings and Chiefs & their Successors, shall not Suffer any Strange Nations of Indians to Settle or Plant on the further side of Sasquehannah, or about Potowmeck River, but such as are there already Seated, nor bring any other Indians into any part of this Province without the Special approbation & permission of the said Willm. Penn, his Heirs and Successors.

[ITEM.]

That for the prevention of abuses that are too frequently put upon the said Indians in Trade, that the said Willm. Penn, his heirs and Successors, shall not Suffer or Permitt any Person to Trade or Commerce with any of the said Indians, but such as shall be first allowed and approved of by an Instrumt under the Hand and Seal of him, the sd William Penn, or his Heirs or successors, or their Lieut'ts: And that the said Indians shall suffer no Person whatsoever to buy or sell, or have Commerce with any of ym the Said Indians, but such as shall first be approved as aforesaid.

[ITEM.]

That the said Indians shall not sell or dispose of any of their Skins, Peltry or furr, or any other Effects of their Hunting, to any Person or Persons whatsoever out of the sd Province, nor to any other person but such as shall be Authorized to Trade with them as aforesaid; And that for their Encouragmt, the Said Willm. Penn, his heirs and succesors, shall take Care to have them, the Said Indians, duly furnished with all sorts of necessary Goods for their use, at reasonable rates.

[ITEM.]

That the Potowmeck Indians aforesaid, with their Collony, shall have free leave of the said Wm. Penn to Settle upon any part of Patowmeck River within the bounds of this Province, they Strictly observing and Practising all and Singular the Articles aforesaid to them Relating.

[ITEM.]

The Indians of Conestogo, & upon & about the River Sasquehannah, And more Especially the Said Connoodaghtah, their King, doth fully agree to, and by these Presents, Absolutely Ratify the Bargain & Sale of the Lands lying near and about the said River, formerly made to the said Willm. Penn, his heirs and Successors, And since by Oretyagh & Andaggy-Junkquegh, parties to these Presents, Confirmed to the sd Wm. Penn, his heirs and Successors, by a Deed bearing Date y^{e} 13th day of y^{e} 7br last, under their hands and Seals, duly Executed. And the said Connoodaghtah doth, for himself and his Nation, Covenant and Agree that he will at all times be Ready further to Confirm & make good the said Sale, according to the Tenor of the same, And that the Said Indians of Sasquehannah shall Answer to the said William Penn, his heirs and Successors, for the Good Behaviour and Conduct of the said Potowmeck Indians, And for their performing of the several Articles herein Express'd.

[ITEM.]

The Said William Penn doth hereby Promise, for himself, his heirs and Successors, y^{t} he and they will at all times shew themselves true ffriends & Brothers to all & every of y^{e} Said Indians, by Assisting them with the best of their Advices, Directions & Counsels, & will in all things Just and Reasonable befriend them, they behaving themselves as aforesaid, and Submitting to the Laws of this Province in all things, as the English and other Christians therein do. To which they, y^e said Indians, hereby agree and oblige themselves and their Posterity forever.

In witness whereof, the Said Parties have as a Confirmation, made mutual presents to each Other: The Indians in five parcels of Skins, and the Said Wm. Penn in Several English Goods & Merchandizes, as a binding Pledge of the promises, never to be broken or Violated. And as a further Testimony thereof, have also to these presents Sett their hands and Seals, the day and Year above written.

Signed, Sealed & Delivered in the Presence of
EDWD. SHIPPEN,
NATHAN STANBURY,
ALEXR. PAXTON,
CALEB PUSSEY,
JAMES STREATER,
J. LE FORT,
JOHN HANS STEELMAN,
JAMES LOGAN,
JOHN SANDERS,
INDIAN, alias HARRY, SHAWYDOOHUNGH,
his [H I] mark.
PEMOQUERIAEHCHAN, his [Z] mark.
PASSAQUSSAY, his [)] mark.

At a Council held att Philadia y^e 25th of 2d Mo, 1701.

PRESENT:

The Proprietary & Governour.

Edward Shippen, John Moll, Esq'rs. Humphry Murray, Thomas Story, Esq'rs.

The Gov^r having expressed some Dissatisfaction at, and the Inconveniency of Deferring the Trial of the Negroe man committed to Prison about 8 Months Since, for murdering a Certain English young man, whose Condition was here discoursed of, Desired the Board to Consider what method would now be the most Safe and effectual to take in it, Seeing the last Provincial Court fail'd of Proceeding in it as was expected.

Which being debated, the Attorney Genl and David Lloyd being Present, who at the last Provincial Court had in some Measure given their Opinion thereupon,

Moved whether (according to a Caution given in the Case) the ffact could be tryed by vertue of a Law that was made since it was committed. Resolved by the Attorney Genl and D. Ll., That whereas there was a Law in force before for the Trial of Negroes to the same effect, and the Punishment was not altered by this last, they might safely be tried by the Law in that respect, but it might be safer to try them another Way.

Order'd, That there should be forthwith issued a Commission of Oyer & Terminer, to try them by Juries.

At a Council held at Philadia ye 17th of 3d Mo, 1701.

PRESENT:

The Proprietary & Governour.

Edwd. Shippen, Saml. Carpenter, Thos. Story,	Esq'rs.	John Blunston, Caleb Pusey, Humphy. Murray,	Esq'rs.

The Propry having proceeded to inform this Board of the great abuses committed in Indian Trade, the great Dangers that might arise from thence, and the advantages that might accrue from it to the Province in General, proposed that some measures might be concerted for the Regulation thereof, and redressing the Grievances that we generally laboured under upon that Score, and Especially by means of two ffrench men, Louis and P. Besalion, who have been suspected to be very dangerous persons in their Traffique wth the Indians, in this Troublesome conjuncture of Affairs.

Resolved, that it was absolutely necessary the Said two ffrenchmen should be Confined, and restrained from inhabiting or trading amongst the Indians, And that some way should be agreed on, to Carry on that trade by a Certain number or Company, who should take all measures to induce the Indians to a true Value and Esteem for the Christian Religion, by setting before them good Examples of Probity and Candour, both in Commerce and Behaviour, and that Care should be taken to have them duly instructed in the fundamentals of Christianity; And the further Consideration hereof is referr'd to the next meeting of the Board.

The Govr Also Acquainted the Board, That Reports were brought That some of the five Nations of Indians had sent an Embassy to our Indians on Delaware, requiring their aid and Concurrence, & That it was Suspected the ffrench of Canada had been Endeavouring to Debauch the sd Indians from their ffidelity to the Crown of England.

Resolved, that Care should be taken to Inquire into the Grounds of the said Reports.

And then adjourned, &c.

At a Council held at Philadia y^e 19th of the 3d Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,
Saml. Carpenter,
Thomas Story, } Esq'rs.
Caleb Pusey,
Humphry Murray, } Esq'rs.

Application being again made to this Board in behalf of R. Elfrith, to have that Affair of the Public Landing Place concluded On wch Saml. Carpenter proposing to lay down 100£s to Satisfy Gr. Jones for his ground Rent, and the said Elfrith for his Damages, on Condition that the town will give him the Public Wharf at the End of Walnut street in Exchange.

Recommended to the further Consideration of y^e Council at the next Sitting.

An Account under the hands of Charles Sanders deceased, and Joseph Pidgeon, of Philadia, bearing date y^e 12th of Sept. 1698, was Exhibited to this Board, charging William Markham, late Leuit Gov^r in behalf of the Govmt Debtr, for a parcel of Small arms by them Supplied for the use of the Governmt, amounting to twenty-eight pounds ten Shills, On the backside of which was Indorsed, under the then Secry's hand, That at a Council held at Philadia the 17th day of May, 1699, the Said Acct was allowed, and a Bill ordered to be charged on the Treasurer of the Province for the Payment of the Same, wch Acct & Order being duly Considered, It is Ordered that Saml. Carpenter, the present Provincial Treasurer, pay out of the Publick Treasury of the Province the Contents of the said Acct to such person or Persons as have a right to Demand the same.

Application being made in behalf of Robt. Eyres, of the C: of Chester, That he should be Considered for 5 Copies of the Laws of this Province, which he drew about 16 years ago but had never any Satisfaction for his Trouble, for wch he charges ten pounds.

Ordered that the Provincial Treasurer pay the said ten pounds to Rob^t Eyers or his Order.

A Letter from the Council of New York being read, Importing That Several of the King's Soldiers lately sent from England, and Posted in the ffort of that City, have Deserted, and as it is supposed, have taken Shelter in some of the Neighbouring Colonies, where Search being made for them by their Officers, as well the Magistrates as others, the Inhabitants in general shew themselves so backward in yielding due Assistance, that they rather Countenance and Encourage the said Soldiers in their Desertion, by Detaining and Employing them about their affairs of Husbandry, to the great Abuse and Insecurity, not only of the Said Govmt of New York, but of the other English Colonies on this Continent, by leaving that most ffronter part of the King's Dominions in America Denuded of the Defence, he King wch so much Charge has been pleased to allow them; and therefore, they request the Gov^r forthwith to Issue a Proclamation commanding all Justices of the Peace, &c.

Ordered, That Such a Proclamation shall be forthwith drawn by the Secry and Published.

Adjourned till next 4th Day.

At a Council held at Philadelphia y^e 21st of 3 Mo, 1701.

PRESENT:

The Propritary and Governour.

Edwd. Shippen, Saml. Carpenter, Griffith Owen, Esq'rs.
Thos. Story, Humpry Murray, Caleb Pusey, Esq'rs.

A Petition of Robt. Guard and his Wife being read, setting forth That a Certain Strange Woman lately arrived in this Town being Seized with a very Sudden illness after she had been in their Company on the 17th Instant, and Several Pins being taken out of her Breasts, One John Richards, Butcher, and his Wife Ann, charged the Petitrs with Witchcraft, & as being the Authors of the Said Mischief; and therefore, Desire their Accusers might be sent for, in Order either to prove their Charge, or that they might be acquitted, they Suffering much in their Reputation, & by that means in their Trade.

Ordered, that the Said John & Ann Richards be sent for; who appearing, the matter was inquired into, & being found trifling, was Dismissed.

In pursuance of the Resolution made by this Board on the 17th Instant, That Care should be taken to know the grounds of the Reports concerning the Indians, the Gov^r informed the Council That after the Sessions A Certain Young Swede arriving from Lechay, brought advice That on 5th Day last some Young men of that place going out a hunting, being but a little while gone, several Shotts were heard to go off very thick, wch was Suspected to have been some of the Sinnecaes coming Down upon them, & that thereupon he had sent two Messengers, viz: Edwd. ffarmer & Jno. Sotcher, who returning bro't advice That the Alarm was false, & that the Shott was only at some Swans, and the whole reports groundless.

Richd. Robert's Petition to the Gov^r and Council was read, setting forth the great Injuries he had Suffered by Jno. Claypoole, late Sherif of Philadia, who levied an Execution on the Petitr's Goods for the Court fees due upon an Action agst the Petitr, in y^e County Court of Philadia, which fees had been actually paid down to John Crapp, the then Sherif in the Court, before the Petitr was discharged or came out of the Court house, and Craving Relief therein.

Ordered that when John Claypoole's Acct agst y^e Prov: for certain Debts which 'tis believed may be due to him, are brought to the Council to be allowed, what the sd Claypoole has unjustly taken and Detains as aforesaid, should be deducted and Ordered to be paid to the Petitr.

Adjourned till 4th Day next.

At a Council held at Philadelphia y^{e} 31st of 3 Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter, Thos. Story,	Esq'rs.	Caleb Pusey, Griffith Owen, Phineas Pemberton,	Esq'rs.

The Gov^{r} & Council entring upon the further Consideration of the Indian Trade, Agreed, That pursuant to former Resolutions on this head, there shall be an effectual Regulation of the Said Trade on these heads.

That It shall be carried on by a Joynt Stock, into which all persons shall be free to Enter, especially the old traders, they with all others observing & Submitting to such Rules as are and shall be Concluded on by the Governmt for its Reputation & Safety, and for the Publick Benefitt.

That No Rum shall be sold to any but their Chiefs, and in such Quantities as the Gov^{r} and Council shall think fitt, to be Disposed of by the Said Chiefs to the Indians about them as they shall see cause.

Application being made to this Board for an Order to defray the Charges of a Boat with 4 oars, Sent down for Intelligence to New Castle upon the Report that a ffrench Pirate had been seen above Bombayhook, wch amounted to 38Shs, 30s thereof for the Boat, and 8s Expenses for Liquors.

Ordered that the Treasurer pay the same.

The Gov^{r} acquainted the Board, That whereas, there then is a Law of this Govmt, Prohibiting all persons to trade with the Indians in this Province, but such as dwell and reside therein, and have a Lycense from the Gov^{r} to that end, Notwithstanding which, John Hans Steelman, represented to live in Maryland, and having no such License, had ever since the Enacting of the Said Law, followed a close Trade with the Indians of the Province, not only at Conestogœ, but had been Endeavouring to Settle a Trade with them at Lechay, or y^{e} forks of Delaware, to the great prejudice of the Trade of this Province in general, for which reason the Gov^{r} has seiz'd such of his Goods as were going to Lechay, and taken Security from him for such goods as he had bought and Sold at Conestogo, and the Gov^{r} desired the Advice of the Board herein.

It was moved That as it is not Concluded or allowed by the Proprietary, that the man lives out of the Province, and his father being a Native of it, It will not appear so reasonable to Exercise the Rigour of the Law agst him; But an effectual Course shou'd be taken to prevent such Practises and Abuses for the future, and that he be not permitted to proceed in violating the Laws as hitherto; Ordered, that for the said reasons, and because the Indians complain agst him for Defrauding them, he be not permitted to trade any more till he has regularly obtained a License for that purpose; That his Goods be restored, he giving A Bond of a 1000£s, that they or their value shall be forthcoming if called for, and that he shall observe the Laws of this Province, and the Agreement now made wth the Indians, to wch he was a Witness, and that he Defray and Satisfy Henry Mallow's Charges in going for and bringing him hither. The Grand Jury of Newcastle having psented Amos Nichols, of the County of Chester, for Divers felonus Acts, and the Court by their Clerk, requesting the Govʳ that he wou'd be pleased to Cause some Speedy Course to be taken for his Apprehension, it being a Scandal to the Govmt, that openly, and in Contempt of it and its Laws, he should travel from place to place as *it were in defiance.*

Ordered, That an Order be forthwith sent to Andrew Job, Sherif of the County of Chester, to Search for & apprehend him, if he may be found in his District, and that he keep him in Safe Custody till he give notice to the Sherif of Philadia, who shall be Ordered to meet him.

At a Council held at Philadia yᵉ 2d of 4th Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter, Thos. Story, } Esq'rs.
Griffith Owen, Caleb Pusey, } Esq'rs.

ffor the greater Security of this Province and Territories, and for preventing as far as may be Surprises by vessels from the Sea,

Ordered, that the Magistrates of the County of Sussex, shall appoint and take Care yᵗ a Constant Watch and Ward be kept on the hithermost Cape, near Lewis, in the Said County; and in Case any Vessel appear from the Sea, that may with good grounds be Suspected of evil Designs against any part of this Government, Ordered, That the said Watch shall forthwith give notice thereof, with as exact a Description and Acct of the Vessel as possibly they can to the Sherif of the Said County, who is required immediately to despatch a Messenger, Express, with the Same to the County of Kent, from thence to be forwarded from Sherif to Sherif through every County, till it be brought to the Govʳ at Philadia, which Watch and Expresses shall be a Provincial Charge.

The Petition of Several Inhabitants of Philadia being offered to the Board, Setting forth the great inconveniency the Town in general lies under, and more Particularly the Inhabitants near the End of the high street, on Delaware, by its being broken down and washt away by the great fluces of Water at every great Rain, to the great Scandal of the place, and Insecurity, as well as inconveniency of the Town in General, 'Tis Ordered, that in pursuance of an Act of Assembly made and past at the last Sessions of the Genl Assembly of this Province and Territories, held at Newcastle, Intituled An Act for regulating of Streets and Water courses in the Cities and Towns of this Governmt, a Commission be forthwith directed to Francis Cook, James Atkinson, Charles Read, Jonathan Dickinson, Thos. Masters and John Parsons, to regulate the Streets and Water Courses of the Town of Philadia, and generally to transact & perform all the Several Particulars for wch power is given by the Said act, and accordingly a Commission is drawn & signed by the Proprietor and Gov^r in these words:

Wm. Penn, True and Absolute Proprietor & Gov^r in Chief of the Province of Pennsylvania and Territories thereunto belonging, to my Loving friends, Francis Cook, &c.

In pursuance of an Act of Assembly, made and past at y^e last Sessions of the Genl Assembly of the province of Pennsylvania & Territories thereunto belonging, held at Newcastle, entituled an Act for the Regulating of Streets and Water Courses In the Cities and Towns of this Govmt, Know ye, That by & wth the advice & Consent of my Council, I have Nominated & appointed You, the said, &c. as often as occasion shall be to regulate y^e Streets & Water Courses of the Town of Philadia, & to ordr the pitching, paving & Graveling thereof, as also y^e Clearing of Docks where such may be, and repairing Landing places & Bridges in the said Town, hereby Authorizing & Impowering you, according to the Tenour of the Said Act, to agree wth & employ Workmen for performing the same; And for defraying the Charges of Such Regulations, I do hereby require you, or any four of you, with the Advice and Assistance of the Justices of Peace of the County of Philadia, or at least 2 of ym, to Calculate & Compute the sd Charges, and thereupon, wth y^e assent of me & four of y^e Council, equally to lay rates or assessments, for levying the same upon the Inhabitants of the said Town respectively, & the said rates being so laid, forthwith to levy, or Cause to be levied, according as by the Said Act you are directed, & generally to do, act, and perform all & all manner of things whatsoever, that by the Said Act any persons mentioned to be appointed by me and my Council, are Impowered to do, act, perform or execute. Given under my hand and Seal, att Philadia, the 2d Day of the 4th Month, in the Year 1701.

At a Council held at Philadelphia y^e 26th of June, 1701.

PRESENT:

The Proprietary and Governour.

Willm. Clark, Edwd. Shippen, Saml. Carpenter,	Esq'rs.	Humphry Murray, Thomas Story,	Esq'rs.

A letter from Secry Vernon to the Gov^r, date 13th October, 1700, was read, purporting that if Thos. Burley, Mate, & John Williams, Carpenter, of the Ship Orange of Topsham, who were taken out of the said Ship by a Pirate Ship Called the Morning Star, and forcibly detained, & happened to be taken and brought into this Govmt, & that they should not be proceeded agst as Guilty of Piracy, & but sent home.

A letter from Secry Vernon to the Gov^{r}, date 4th Marcii, 1700-1, Signifying that the ffrench have fitted out a Squadron of Men of War, to be sent to the Spanish West Indies, ready to sail under the Command of Monsr de Coetlogon, requesting this Governmt to be upon their Guard, & that all care for the Security of the Province, &c. Memorand: that this Lettr being receiv'd in the Governr's Absence, was read by the Council & was Signified to the Magistrates of the County of Newcastle and Sussex.

Whereas, there was an Order formerly made that in Case any Danger should happen, or Enemies Appear, &c., that the same should be signified by the Sheriff of the County of Sussex, and so from Sherif to Sherif, &c. But to prevent Delays, a Special Express is Ord'd to be sent by the Sherif with all Care and Expedition possible, to give Notice thereof to the Governour & Council, &c. And the Sherif is hereby Impower'd to press Horses for Expedition, & in the Sherif's absence the Magistrates, &c. to see the same performed.

A Copy of a letter from Secry Vernon, Signed William R., sent to the Gov^{r} by Gov^{r} Blackiston, Purporting that all accessarys of Piracy, with the proper Evidences agst them, be sent home, &c. pursuant to the Act of Parliament lately past against Piracy.

At a Council held at Philadia y^{e} 27th June, 1701.

PRESENT:

The Proprietary and Governour.

William Clark, Edwd. Shippen, Saml. Carpenter, } Esq'rs.
Humph. Murray, Thos. Story, } Esq'rs.

Ja. Atkinson, John Dickinson, Cha. Read & Thos. Masters, four of the Six Commrs appointed by the Gov^{r} and Council for regulating the Streets & Water Courses of the Town of Philadia, &c, pursuant to a late Act of Assembly for that end made & provided, having by a Writing under their Hands, bearing date the 25th Instant, reported to the Gov^{r} and Council, That In pursuance of their Commission, bearing date y^{e} 24th, 1701, impowering them, wth y^{e} assistance of two Justices of the Peace, to calculate the Charge of Regulating the Streets & bridges, &c. in the Town of Philadia, they had duly Considered the same, and Judged that the most necessary repairs at the ends of the Streets & Bridges of the Said Town, wou'd, according to the most sparing & cheapest way of management, require the summ of 500£s to Compleat the Same.

Ordered, that in pursuance & by Virtue of the afore recited act of

Assembly, and according to the Said Commrs, Report the sd Summ of 500£s be equally laid and Levied as the Law Directs, on the Inhabitants in and about the said Town of Philadia, one moiety thereof to be collected forthwith, & the other in the following Spring, before the first of the 3d month next ensuing, by the Sherif of the County or by such other Officer as the said Commrs shall think fitt to appoint, according to Law, & a Commission is ordered to be forthwith drawn by Robt. Assheton for that purpose.

At a Council held at Philadia the 14th of July, 1701.

PRESENT:

The Proprietary and Governour.

William Clark, Edwd. Shippen, Saml. Carpenter,	Esq'rs.	Humph. Murray, Thomas Story, John Guest,	Esq'rs.

Whereas, by a former order of Council held the 26th of June, It was Ordered, that in Case any Enemies appear, &c. that the Sherif of the County of Sussex should, by a Special Express, give notice to the Governour & Council, &c; It is therefore Ordered, that the same Order be drawn up and sent down by William Clark to the Sherif of the sd County, &c.

John Guest, Esq^{r}. being called by the Gov^{r} to take a place at this Board as a Member thereof, was attested before y^{e} Gov^{r} to be true & faithful to the King & Crown of England, & to the Proprietary & Governour, & his heirs or successors, and to keep the Secrets of the Council Board, & to do his duty in every Respect as one of the Council of this Govmt, according to the best of his power & skill, &c.

Upon the information of Thos. ffarmer, Sherif of this County, that several of the persons Taxed in the Tax given to the Governour, by the last Assembly at New Castle, refuse to pay the same, some alledging one reason, others another, &c. It is therefore Ordered, that the Sherif go forthwith from house to house of the persons refusing, and take their reasons for their non Payment thereof, & at the same time Order them to appear before the Assessors upon thursday next, at the hour of 9 in the morning, at the House of Widdow Guest, to render there said reasons, &c.

Ordered, that a Procln Immediately Issue for Calling the Members of the present General Assembly to meet at Philadia the first day of Augst next, to Inspect into Several Affairs of Moment, etc.

Adjourned till the 23d Instant, at 9 in the morning.

At a Council held at Philadia the 26th of July, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,	Esq'rs.	John Blunston,	Esq'rs.
Saml. Carpenter,		Thomas Story,	
John Guest,		Humpry Murray,	

The Sherif of Kent County having informed the Gov^{r} by a Letter bearing date the 16th Instant, this day rece'd, That by the Death of Richard Wilson, a Representative for that County, there is a member wanting, the Gov^{r} proposed whether it would be regular to issue a Writt for a new Election upon this information, or whether he is obliged to take notice of the said Member's Decease till the Assembly make application for an Election, according to the Practice of England & y^{e} adjacent Colonies.

Resolved, That the Gov^{r} ought not judicially to take any notice of the Said member's decease, till the Assembly make application.

Several Complaints having been made by the Members of the Church of Engld, agst an act past in the last Assembly, about marriage,

Ordered, that the Attorney Genl should prepare a Bill agst the ensuing Assembly out of y^{e} Said Act, & the former superseded by the sd Law, and that it should be bro't before this Board at y^{e} next sitting thereof.

The Gov^{r} & Council having entered into the Consideration of y^{e} many abuses and Inconveniences arising from the Indians being admitted to Drink Rum, Ord'd, y^{t} agst the sitting of the next Assembly, Menangy Hetcoquehan Owehela on Christina Oppemenyhook at Lechay, & Indian Harry of Conestoga, should be sent for to be Consulted with about passing a Law for Prohibiting all use of Rum to the Indians of their Nations.

Ordered, that for y^{e} next Sessions of Assembly Genl the great ffront Room in Whitpain's house, now in the Tenure of Joseph Shippen, be prepared & put in Ordr, & that the Said Jos. Shippen be allowed for it by the Govmt.

Willm. Clayton of Chichester, producing an acct of Eleven pounds eleven Shills, due to his ffather, Wm. C. L: deceased, for building a Cage for Malefactors in the Town of Philadia, at the first settling of this Province,

Ordr, that the Provl Treasurer discharge the Said acct.

Resolv'd, That it be proposed to the Assembly to have a Say Master, or some other Course taken to prevent the packing of unmerchantable Tobacco.

At a Council held at Philada y^e 1st of 6th Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter, John Blunston,	Esq'rs.	John Guest, Humph: Murray, Caleb Pusey,	Esq'rs.

The Board took into Consideration the State of this Province & Territories, in regard to its self subsistancy, and the Inconveniencys likely to arise by the great export of the Coin thereof, & finding that y^e Province of East Jersey have been a means to exhaust this Governmt of their Coin, to pay for the Cattle imported for the Supply of Philadia, for prevention of which, it would be necessary that there should be effectual means taken to encourage the Growth of all kind of Cattle in this Government.

1. Resolved therefore, That it be proposed to the Assembly, That every person throughout this Province and Territories who has 40 Acres of clear land, shall keep at least ten Sheep.

2. That no person shall kill, or sell to be kill'd, above one half of their growing neat Cattle.

3. That there shall be no neat Cattle kill'd or sold to any of the Inhabitants of Philadia, T: from the tenth day of the 4th month, to the tenth of the seventh month, on any pretence whatsoever.

And for the better Provision for the health of the People, That no Cattle shall be kill'd and exposed to sale, but what is in fitt case and marketable, and that no Cattle be kill'd till at least 24 hours after they have been driven.

And whereas, there are many publick Nuisances in the T: of Philadia, occasioned by the Slaughter houses in the middle of the said Town,

Ordered, that there shall be no Slaughter House suffered in or about the Town of Philadia, but over the River Delaware, where the Tide may carry off all their Garbage, Gore, &c., the places to be appointed by the magistrates, under the penalty of forfeiting their meat.

ffor the greater Encouragemt of foreigners of the West Indies to trade to this Province, who may be incensed by the Difference of Duties between them & the Inhabitants, imposed on Rum; Resolved, That it be proposed to the assembly to change the Duties that now are, and that only one penny be laid on Rum brought in vessels not belonging to the Inhabitants, & on vessels of this Province nothing, instead of which that no Rum be retailed under 10 Gall, but what shall pay Duty. ffor pvention of the feed of the woods being destroyed and eaten up by the great numbers of Horses going at large in the woods; Resolved, That it be proposed to the Assembly, That no person, upon any pretence whatsoever, shall keep above four horses without ffence, & that no stone Horse whatsoever shall go at large.

Adjourned to 5 in the afternoon.

POST MERIDIEM, ejusdem Diei ysdem qui antea.

The Council mett, & the members of Assembly that were come to town making their appearance, were dismissed to adjourn till they could make a fuller house.

And then adjourned till the morning.

At a Council held at Philadelphia y^e^ 2d of 6th Mo, 1701.

PRESENT:

The Proprietary and Governour.

John Guest, John Blunstone, Thos. Story,	Esq'rs.	Caleb Pusey, Humph. Murray,	Esq'rs.

The Assembly presenting themselves before the proprietary and Governour in Council, by their Speaker, desired to know his pleasure, to whom he expressed himself to this effect:

I am sorry I am under a necessity of conveneing you at this time, but it is not of Inclination, but duty; for I intended no further session of this Assembly, as I promised you, till the year was expired, unless something extraordinary should emerge; because of the great Charge that your frequent sessions occasion to the countrey, & the unsuitableness of the season. But the King's Commands, by his late letter to me, now have brought you hither at this time, which I now lay before you and recommend to your Serious Consideration, since without it, t'will be impossible to answer them.

And now you are on this occasion mett together, I have some other things of momt to our selves to offer, which as yet I shall forbear to mention, least mixing them with the chief Occasion of your meeting, they should retard your application therein. Upon wch they withdrew.

A Petition of the Bailif, Burgesses and Commonalty of Germantown was read, representing That whereas it was the good will and pleasure of the Honble Propry, in the year 1689, to grant by his charter to the said Commonalty, To have, hold and keep one Publick Market every sixth day of the week, in such convenient Place and manner as the Provl Charter doth direct; And whereas, it would redound to the benefit both of the Inhabitants and neighbours, that a weekly market on the appointed day were kept in the road or highway where the cross street of German T. goes down towards the Schuylkill, They therefore request that the above mention'd place may be confirmed for a market, till they can procure a more convenient one for that purpose.

Ord'd, that according to the Petition, the Market be held in the said place.

At a Council Held at Philadelphia y^{e} 4th of 6th Mo, 1701.

PRESENT:

The Proprietary and Governour.

John Guest, } Esq'rs. Caleb Pusey, } Esq'rs.
Thos. Story, Hump. Murray,

The Council sitting, the Assembly sent two of their members returning the King's Letter to the Gov^{r}, advising that they had taken a Copy and were now entring upon y^{e} Consideration thereof. But that first, the Assembly requested the Gov^{r} would be pleased to let them have his last speech upon the said Letter, in writing, that they might be the more Capable effectually to answer the Gov'rs Desires.

To which the Gov^{r} answered, That his speech was only the King's Letter, whatever was spoke besides was only to excuse their meeting at a time so little designed, and which he well knew was no ways suitable to their domestick affairs, therefore thought it altogether superfluous to trouble them with any other, if they pleased to consider y^{t} he desired no more of them, the rest no ways related to any thing that would come before them, & then adjourned to 4 in the afternoon.

POST MERIDIEM, ejusdem diei hora 4ta, Iidem qui antea, wth Saml. Carpenter.

The Assembly by two of their members, desired to be admitted in a Body to wait on the Gov^{r} and Council; which was ordered forthwith.

And then appearing, their Speaker in return to the King's Letter, read the Assembly's answer from minutes in his hand, with wch the Gov^{r} not being fully satisfied, desired to have it in writing at large, but that first they would more fully consider of it & dress their reasons, both wth as much strength and in as good order as they could, that when he returns his answer to the King, which he would chuse to do in their own Language, it may carry the greater force with it and prove more satisfactory; after wch they withdrew.

At a Council held at Philadia the 5th of 6th Mo, 1701.

PRESENT:

The Proprietary and Governour.

John Guest, } Esq'rs. Caleb Pusey, } Esq'rs.
Saml. Carpenter, John Blunston,
Thos. Story, Hump. Murray,

The Assembly by two of their members sent for that purpose, requesting, that seeing the Gov desired a fuller answer than the Verbal one they had yesterday given, He would be pleased still to furnish them with his speech at large, on which they might the more effectually(ground what they had to say.) Ordered that y^{e} Secry should draw out a Copy of the minute taken that day when the speech was made, which was done and by him Carried to the Assembly.

In return to which two other of their members were sent requesting again y^{t} the Govr would be pleased to lett him have his real speech, for the minute sent them was only the Contents there of summarily drawn up, and that some material points were omitted, there being no mention of the King's Letter therein, nor the sum required to be paid by the same.

To which the Gov^{r} answered, That as he had told them before, he thought it absolutely unnecessary to give them any other than the King's Letter, which was his speech, that what he had besides to say was only to Excuse their coming together; however he was willing that in the minute there should be mention made of the King's Letter, which was accordingly done, and now, in these minutes, stands in crotchets.

Adjourned to 5 in the afternoon.

POST MERIDIEM, ejusdum Diei hora 5ta, psent Iidemquiantea.

Two of the members of Assembly attended, requesting in the name of the Assembly, That the Govr would be pleased that further mention should be made in the minute delivd them by the Secry of the King's Letter, & the sum thereby required, In complyance wth one Part of which the Gov^{r} was pleased to Order that the same alteration made in the minute of Council, should be made in the Copy thereof, delivd to them, but thought it wholly superfluous to have any thing further insisted on, wth which answer they departed.

adjourned to 8 in the morning.

At a Council held at Philadia the 6th of 6th Mo., 1701.

PRESENT.

The Proprietary and Governour.

John Guest, Saml. Carpenter, Thos. Story,	Esqr's.	Caleb Pusey, Jno. Blunston, Hump. Murray,	Esq'rs.

Two members from the Assembly desiring to know when the whole Assembly should wait on the Gov^{r}. Ordered fforthwith.

The Assembly in a Body appearing, the Speaker, Jos. Growdon, acquainted the Gov^{r} That in pursuance to his desire, they had further

Considered of their answer to the King's Letter,and on mature deliberation, having thorowly weighed the same, had drawn up their answer in writing which he now presented by order of the House, and hoped the Govr would Represent it in such a manner as might render it the most effectual.

To WM. PENN, Esqr. Propr. and Governour of Pennsylvania, &c.

The Humble address of the Assembly. May it please our Propr and Governour.

We, the ffreemen of this Province & Territories, in Assembly met, having perused the King's Lre,requiring a Contribution of £350 Ster towds erecting of fforts on the ffrontiers of N. York &c., and having duly weighed and considered our duty & Loyalty to our Sovereign. Do humbly address and represent:

That by reason of the infancy of this Colony, and the great charge and Cost the Inhabitants have hitherto been at in y^e settlemt thereof, and because yt of late great sums of money have been assessed on this Province & Territories, by way of Impost & Taxes, besides y^e arrears of Quit rent owing by the people, Our present capacity will hardly admitt of Levying money at this time, and further taking into our Consideration, That the adjacent Provinces have hitherto (as far as we can understand) done nothing in this matter, We are therefore humbly of Opinion and accordingly move that the further consideration of the King's Letter may be referred to another meeting of Assembly,or untill more emergent occasions shall require our pceedings therein, In the mean time we earnestly Desire the Propr would Candidly represent our Conditions to the King and assure him of our readiness (according to our abilities) to acquiesce with & answer his Commands so far as our Religious perswasions shall permitt, as becomes Loyal and faithful subjects so to do.

Signed on behalf of the Assembly,

JOS. GROWDON, Speaker.

Seven members of the Lower Counties, viz: R. Halliwll, Ro: ffr: J. Yeates, Jno. Heatly, Jno. Brin., Jno. Hill & Lu. Watson, Junr. also presented another paper in behalf of the said Counties in these words:

To The Honble William Penn, Esqr., Proprietr & Governr of y^e Province of Pennsylvania & Counties annex'd.

The Humble address of the Repsentatives of the three lower Counties in Assembly mett:

Humbly Sheweth:

That having duly Considered his Majestie's Letter to your honour, requiring from the Province of Pennsylvania £350 Sterlg, for the Erecting & maintaining a ffort or ffortification at the ffrontiers of the Province of N. York, together with your honour's speech relating thereto.

With all faithfulness, Duty and Loyalty to his Majesty, We desire your honour to represent to his Majesty, the weak & naked condition of the said Counties, as we are the ffrontiers of the aforesaid Province, and Daily threatned with an Approaching War, not being able to furnish our selves with arms and ammunition, for our defence having Consumed our small stocks in making Tobacco, wch hath proved very advantageous for the Kingdom of England, Yet that his Majesty hath not been pleased to take notice of us in the way of Protection, having neither standing Militia nor Persons Impowered to Command the People in Case of Invasion, Which together with the great loss we sustain this year in our Tobaccoes, not having Vessels to Carry it away.

These things we hope by your honour's influence, will Incite his Majesty to take into Consideration Our present Circumstances, & not require any Contribution from us for fforts abroad, before we are able to build any for our own defence at home.

Richd. Halliwell, John Heatly,
Ro. ffrench, John Brinkloe,
Jasper Yeats, John Hill,
Luke Wattson, Junr.

both wch being read, & the business of the Session being ended, y^e Assembly was dissolved & the Council adjourned.

At a Council held at Philadia the 22d of 6th Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Jno. Guest, Thos. Story, Esq'rs.
John Blunston, Hump. Murray, Esq'rs.

The Gov^r communicated to the Board some advices he had Yesterday recd from Engld, by the Ship Messenger, giving an acct of great and Strenuous endeavours used by several united Interests to procure an act of Parl. for annexed to the Crown the Several Prop'ry Govmts, for the effecting of wch there lay at the time of the date of the said Letters, a Bill before the House of Lords, wch had been twice read, and tho' not likely to pass y^t sessions, yet there was no probability of staving it off longer than the next, unless the Propry could psonally make his defence, and obviate all the argum^{ts} brought agst this governmt by evil minded persons, resolved to overthrow the same; whereupon y^e Gov^r proposed to the Consideration of the Board, what might be the most effectual methods to secure the general Interest of the first adventures in founding this Colony, who were in a great measure struck at by the said endeavours.

Resolved, That the first step that could be taken would be to call an Assembly wth all Expedition; and therefore, Ordered, that writts be forthwth Issued, for calling a new Assembly, to sitt on the 15th day of y^e 7th Mo, next, ensuing.

Ordered, that the Laws past last sessions of Assembly held at New Castle, be perused to morrow, & that such as are found fitt, be sent to England by Capt. Puckle, for the King's approbation.

At a Council held at Philadia the 23d of 6th Mo, 1701.

PRESENT :

The Proprietary and Governour.

Edwd. Shippen,
John Guest,
Thos. Story, Esq'rs.

John Blunston,
Caleb Pusey,
Saml. Carpenter,
Hump. Murray, Esq'rs.

Writts to the Sheriffs of the 6 several Counties having been prepared by the Secry, in pursuance of the Resolve of Yesterday, they were now signed.

According to yesterday's order, the Laws were carefully perused & ordered to be fairly transcribed & sent over, under the great Seal to England.

A Petition from Patr. Robinson, in behalf of Coll. Andr. Hamilton, Post master Genl in America, & Govr of the Jerseys, was read, setting fforth that by a Law of this Prov, made in the year 1697, for settling a Post Office, &c., It was enacted, that for the greater encouragement of the said Post, there should be allowed to the maintenance of the same, for 3 years, 20£, p. ann which were now expired, and therefore cravd that the said 20£s for 3 years, amounting to 60£s, should be paid to the said Post mastr by the Treasurer of the Province, out of the Publick stock thereof. Ordered, That the Treasurer pay the said sum as soon as he shall have sufficient in his hands for the same.

A Petition from the said P. R., late Secry of the Province, was read, requesting That whereas at an assembly held at Philadia, 7th of 9br, 1696, Jno. Simcock, Speaker, there was allowed to him an acct 72£. Also at an Assembly held at Philadia, 1698, Edwd. Shippen Speaker, there was allowed to him on acct 18£s. Also that at an Assembly held at N. Castle, 1700, there was allowed to him on acct 5£s, all the accts signed by the respective speakers, That thereupon the Govr & Council would be pleased to give orders to the Treasurer to pay the said sums as soon as he shall have sufficient of the Provl Stock in his hands.

At a Council held at Philadia the 3d of 7th Mo, 1701

PRESENT:

The Proprietary and Governour.

John Guest,
Saml. Carpenter,
Thos. Story, Esq'rs.
Caleb Pusey,
Hump. Murray, Esq'rs.

Complaint having been made to this Board, by some of the Inhabitants of Darby Township, against some parts of a road laid out by the Govr's order, from B. Chamber's fferry, through Darby Township to Edgemont,

Ordered, That Nicholas Pyle, Saml. Levis, Geo. Maires & Randal Vernon, all of Chester county, do on y^{e} sixth day next, that one being y^{e} 12th instant, view the Controverted parts of the said Road, beginning at the said fferry, and upon a Due Consideration of the allegations on both sides, to give their Judgment whether the sd Road be conveniently laid out for a Cart Road, as it now is, or whether it may not, with equal Conveniency for the said purpose and advantage to the Publick, as well as Justice to each particular in all respects, be laid out otherwise according to the complainant's desires, and make report thereof to this Board in writing, at the next sessions.

Shemekenwhoa, one of the Chief of the Shawanah Indians, Solemnly declared & Complained to the Govr that Sylvester Garland had brought to the settlement of Indians of their nation several Anchors of Rum, to the quantity of about 140 Gallons, & that to induce them to receive it & trade with him, he pretended he was sent by y^{e} Govr, and gave one Cask as a present from him, upon wch, being entreated to drink, they were afterwards much abused.

Ordered, That this be further Inquired into.

At a Council held at Philadia the 15th of 7br, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,
Saml. Carpenter,
Thomas Story, Esq'rs.
John Guest,
Caleb Pusey, Esq'rs.

There having been a Controversy long Depending between James Atkinson, on y^{e} one Part, and Benja. Duffield with Allen ffoster, on the other part, concerning some vacant or Overplus Land, lying between the Lands of said Atkinson and Duffield, in the County of Philadia, near Pemmapeck, but disputed to which Tract it most properly did belong, In order to the Determination of wch Several Steps by Resurveys, &c. have been taken, but nothing yet concluded for their accommodation, The Govr therefore Informed the Board that tho' it lay not properly before them, because wholly Propry, yet he was willing to have their Judgments in ye Determination, Upon wch the argumts and allegations on both sides being heard, It was Ordered by the Govr by advice of the Council, That the Whole Overplus or Vacant Land should be taken by the Propry himself, out of wch Benja. Duffield should have sufficient to accommodate his Plantation, he paying the Value thereof, and out of the rest, or some other way, Ja. Atkinson should also be satisfied, for the Charges he had been at in Resurveying said ffoster's & Duffield's Land.

Adjourned to 3 in the Afternooon.

POST MERIDIEM, Iidem qui antea.

This being the day appointed by the Govr in his writts for the meeting of the Assembly at Philadia, elected on the 4th Instant, the Representatives chosen by the Several Counties of the Prov & Territories appeared, and their names being called over according as they were returned into the Secry's Office by the Sherifs of each respective County, A List of the Representatives chosen by the ffreeholders of the Several Counties in this Govmt, In pursuance of the Proprietary & Governr's Writts, to serve in Assembly Genl of this Province, of Pennsylvania, at Philadia, the 15th of 7br., 1701, and Territories; As by Indentures under the hands and seals of the Sherifs of each respective County, wth five substantial ffreeholders of the same, returned into my office.

Return'd for Philadia Com	CHESTER.	KENT.
Anthony Morris,	John Blunston,	William Rodeney,
Samuel Richardson,	Robert Pyle,	John Brinckloe,
Nicholas Waln,	Nathl. Newlin,	William Morton,
Isaac Norris,	Andrew Job,	John Walker.
BUCKS.	NEWCASTLE.	SUSSEX.
Joseph Growdon,	Jasper Yeates,	William Clark,
John Swift,	Jno. Donaldson,	Luke Wattson, junr.
Joshua Hoopes,	Richd. Hallewell,	Saml. Preston,
Willm Paxon.	Adam Peterson.	Joseph Booth,

JAMES LOGAN, Secry.

each of them took and subscribed a Solemn attestation of Allegiance to King Willm. the 3d, fidelity to Willm. Penn, Propry and Governr, and that they would faithfully Discharge the Trust reposed in them to the best of their Power and Understanding, in the service of wch they were called. They also took and subscribed the Declaration appointed by the Parliamt of England, of their abhorrence of that Damnable Doctrine and Position that Princes excommunicated by the Pope may be deposed or murther'd by their subjects, &c., And then the Govr made the following speech.

The Govr's Speech to ye Assembly, 15th 7th Mo., 1701.

You cannot be more concerned than I am at the frequency of your service in assembly, since I am very sensible of the Trouble and Charge it contracts upon the Country: But the motives being Considered, & that you must have mett of Course in ye next month, I hope you will not think it vexatious now.

The reasons that hasten your session is the necessity I am under, through the Endeavours of the Enemies of the prosperity of this Country, to go for England, where taking the advantage of my absence, some have attempted by false or unreasonable Charges to undermine our Govmt, and thereby the true value of our Labours & Property: Governmt having been our first Encouragement.

I confess I cannot think of such a Voyage without great Reluctancy of mind, having promised myself the quietness of a Wilderness, and that I might stay so long at least with you as to render every body entirely easy and safe; for my heart is among you as well as my body, whatever some people may please to think, and no unkindness or Disappointment shall, with submission to God's Providence, ever be able to alter my Love to the Country and Resolution to return & settle my family and posterity in it; but having reason to believe I can at this time best serve you and myself on that side of the water, neither the rudeness of the season nor tender Circumstances of my family can over rule my Inclination to undertake it.

Think, therefore, since all men are mortal, of some suitable expedient and Provision for your safety, as well in your Privileges as Property, and you will find me ready to Comply with whatsoever may render us happy, by a nearer Union of our Interest.

Review again your Laws, propose new ones that may better your Circumstances, and what you do, do it quickly, remembering that the Parliament sitts the end of the next month, and that the sooner I am there the safer. I hope we shall all be here. I must recommend to your serious thoughts & Care the King's Letter to me, for ye assistance of N. York with three hundred and fifty pounds sterlg, as a ffrontier Governmt & therefore exposed to a much greater Expense in proportion to other Colonies; wch I called the last Assembly to take into their Consideration and they were pleased, for the reasons then given, to refer to this.

I am also to tell you the good news of the Govr of N. York's happy Issue of his Conferences with the five nations of Indians, that he hath not only made peace with ym for the King's subjects of that Colony, but, as I had by some Letters before desired him, for those of all other governmts under the Crown of England on ye Continent of Amca, as also the nations of Indians within those respective Colonies, wch Certainly merits our acknowledgments.

I have done when I have told you that Unanimity & Dispatch are the Life of business, & that I desire & expect it from you for your own sakes, since it may so much Contribute to the Disappointment of those that too long have taught the ruine of our young Country.

Upon Which the members returned to their House to choose their Speaker, where, continuing for some time, they returned & presented

Jos. Growdon for the person chose to fill the chair, who, first requesting the Govr to be excused, was notwithstanding by him approved, & the Assembly returned again to their House, a copy of the Govrs speech being Delivered to them with a further exhortation to Unanimity, for their own safety, in ye Grand affairs they were to go upon,

& then the Council adjourned to ten in ye morning.

At a Council held at Philadia ye 16th of 7th Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,
Saml. Carpenter, } Esq'rs.
Thomas Story,

John Guest,
Caleb Pusey, } Esq'rs.

Two members from the Assembly acquainted the Gover that the Assembly requested to be admitted to the Govrs presence, to which he agreed; accordingly the Assembly appeared, and the Speaker, in the name of the House, presented the following address:

May it please the Proprietary & Govr,

We have this Day, in our Assembly, read thy speech yesterday Delivered in Council, and having Duly Considered the same, cannot but be under a Deep sense of sorrow for thy purpose of so speedily leaving us, and at the same time taking notice of thy Paternal Regards of us and our Posterity, the ffreeholders of this Prov & Territories annex'd, in thy Loving & kind expressions of being ready to Comply with whatsoever expedient and provision we shall offer for our safety, as well in Privileges as Property, and what else may render us happy in a nearer Union of our Interests, not Doubting the performance of what thou hast been pleased so lovingly to promise, do in much Humility, and as a token of our Gratitude, render unto Thee the unfeigned Thanks of this House.

Subscribed by Ordr of ye House,

JOSEPH GROWDON, Speakr.

To which the Govr made answer: That every word of his speech was written in his heart, and he should use his utmost Endeavours to make it all good, to which he desired their assistance, and that they would proceed, in Order to it, with all Expedition.

Upon which the assembly returned, and ye Council adjourned till to-morrow at ten of ye Clock.

At a Council held at Philadia, the 17th of 7th Mo., 1701.

PRESENT.

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter,	Esq'rs.	John Guest, Caleb Pusey.	Esq'rs.

Capt. Saml. ffinney being Called to the Board by the Govr, to assist in Council, was admitted, and took and subscribed the following attestation :

I do solemnly Promise and in good Conscience declare, That I will bear true faith and allegiance to William the Third of Engld,&c., King, and fidelity to Willm. Penn, Proprietry and Govr of this Province and Territories. I will assist, with the best of my advice & Council, in all such things at this Board as shall be brought before me, & I will at all times inviolably keep the Secrets of the same.

& then adjourned till ten in the morning.

18th of 7th month, 1701.

The Council mett according to adjournmt, and again adjourned till to-morrow at ten of the Clock.

At a Council held at Philadelpia, the 20th of 7th Mo, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter, Thomas Story,	Esq'rs.	John Guest, Saml. ffinney, Caleb Pusey,	Esq'rs.

Two members of the Assembly came to acquaint the Govr, That the Assembly with their Speaker,in a Body, requested a Conference, wch was agreed to, And accordingly ye Assembly Came, and their Speaker informed the Govr, That Encouraged by his favourable promises in his Speech, and incited by a Petition from a Considerable Number of the Inhabitants of Philadia, the Assembly had drawn up an address requesting Several things of the Propry, some of which in themselves perhaps, might look extravagant, yet they could do no less, Considering the aforesaid Petition, yn in Complyance with it to draw up what they now humbly presented, which they requested the Govr would take in good part, And it was read in these words :

May it Please y^e Governour,

We, the Representatives of the ffree Men of the Province & Territories, in Assembly mett, having taken into Serious Consideration some articles Concerning our Privileges and Property, incited by an address to this House from the Inhabitants of this place, & Encouraged by thyself in Setting forth thy care of us & promises of Complyance therewith, do humbly offer the following heads for Confirmation, Requesting they may be granted the People of the Province and Territories, and ascertained to them in a Charter.

Imprs. That, in case y^e Proprietry go for England, Due Care be taken that he be represented here by persons of Integrity & Considerable known Estates, who may have full power and authority, not only to grant & Confirm Lands, &c., as effectually as if he were personally present, but also to make satisfaction to those who have short, As well as receive what may be due from those who have too much Over measure, according to former agreemt.

2dly. That, before the Proprietary go for England, he grant us such an Instrument as may absolutely secure and defend us in our Estates and Properties, from himself, his heirs and assigns for ever, or Any Claiming under him, them or any of them, as also to Clear all Indian Purchases and others.

3dly. That whereas there hath been great Delays in the Confirmation of Land and Granting of Patents, due Care may be taken By y^e Proprietor that no such Delays may be for y^e future; and that the ten acres in the hundred may be allowed, according to the Proprietor's Engagements.

4thly. That no Survr., Secry or any other officer under the Proprietory, Presume to Enact or take any ffees but what was, is or shall be allowed by the Laws of this Province, under severe Penalties.

5thly. That no Person or Persons shall or may, at any time hereafter, be Lyable to answer any Complaint, Matter or thing whatsoever, relating to Property before the Govr or his Council, or in any other place but in the ordinary Courts of Justice.

6thly. That the Antient Records, made before the Proprietary's first Arrival here, be Lodged in such hands as y^e Assembly shall Judge to be most safe.

7thly. That a Patent Office, and all actual Surveyrs thereby Imployed, may be modelled according to y^e Law of Jamaica, and such security taken as may render the People's Interest safe.

8thly. That Whereas, the Proprietr formerly gave the Purchasers an expectation of a Certain Tract of Land wch is since laid out. about two miles Long and a Mile broad, whereon to build the Town of Philadia, and that the same should be a free gift, which since has been clogg'd with divers Rents and Reservations, Contrary to the first design and grant, & to the Disatisfaction of the Inhabitants; We desire the Govr to take it into Consideration, & make them easie therein.

9thly. That the Land lying back of that part of the Town already build, remain for Comon, and that no leases be Granted, for the future, to make Inclosures to the damage of the Publick, untill such time as the respective Owners shall be ready to build or Improve thereon; and that the Islands and fflatts near the Town be left to the Inhabitants of this town to get their winter ffodder.

10thly. That the Streets of the Town be Regulated & bounded, and that the Ends of the streets on Delaware and Schuylkill be unlimitted & left free, to be extended on the River as the Inhabitants shall see meet; and that Public Landing places at the Blue Anchor & peny Pott house, be Confirmed free to the Inhabitants of this Town, no infringing any man's Property.

11th. That the Justices may have the Lincensing & Regulating Ordinarys or Drinking Houses, as in England, and as by thy letter y^e 5th 9br, '97 did order.

12th. The Letters of Feoffment for the soyl of the three Lower Counties, from the Duke of York, be Recorded in the Territories.

13th. That all the Lands in the said Counties that are not yet taken up, may be Disposed of at the old Rent of a Bushel of wheat a hundred.

14th. That the thousand acres of Land, formerly promised by the Gov^r to the Town of New Castle for Common, be laid out and pattented for that use.

15th. That the bank Lotts at New Castle be granted to those that have the ffront Lotts to Low water mark, or so far as they may Improve, at a Bushel of Wheat a Lott.

16th. That all the Bay-Marshes be laid out for Common (Except such as are already granted.)

17th. That all patents hereafter to be granted to the Territories, be on the same Conditions as the Warrants or Grants were obtained.

18th. That the Division Lines between the County of New Castle and Chester be ascertained, allowing the bounds according to the Proptr's Letters-Patent from the King.

19th. That the Twenty-Second Article in the old Charter, Concerning ffishing and fowling, be Confirmed.

20th. That the Inhabitants or Possessors of Land may have Liberty to purchase off their Quit rents as formerly promised.

21st. That the Bill of Property, pass'd at New Castle, 1700, Be inserted in the Charter, with such amendmts as shall be agreed on.

Signed by Order of the Assembly,
JOSEPH GROWDON, Speaker.

The Gov^r observed to the house, that if he had freely express'd his Inclinations to indulge them, they were altogether as free in their Cravings; that there were several of these articles that could not Concern them as a House of Representatives conven'd on affairs of Govmt. He would, however, consider them severally, & give them his answer on every Distinct article, & then they withdrew.

At a Council held at Philadia the 23d of 7th Mo., 1701.

PRESENT:

The Proprietary and Governour.

Saml. Carpenter, Thomas Story,	Esq'rs.	John Guest, Caleb Pusey,	Esq'rs.

Ordered, that the Petition or address from some of the inhabitants of this Town to the assembly, mentioned in the preamble of the foregoing address from the assembly, to the Governmt be sent for, & that Saml. Carpenter and Caleb Pusey go for the said Petition, who returning, reported that the Speaker had promised to have a Copy drawn out and sent.

A Petition of the Inhabitants of the Town of Chester, and some of the County, was presented to this board, setting forth, That Whereas the Governr & Council, about Eleven years ago, had granted to the said Town two ffairs, to be held every year, wch till this time they had quietly enjoyed; but now, by reason of one fair being granted to Chichester, they were informed one of theirs was to be suppressed, wch is likely to prove Injurious & much to the damage & Disappointment of the sd Inhabitants, who, as usual, had made provision for their approaching fair.

Ordered, that because of the Provision made as aforesaid, the fair, wch was of Course to be held in the beginning of the next 8th month ensuing, be still Continued and held at the said time as usual, any Order to the Contrary notwithstanding; And that both the said fairs, with a Weekly market, and the Streets, &c., of the said Town, be Confirmed to the said Inhabitants by Charter, in Case they make due Application for the same.

At a Council held at Philadia the 26th of 7th Mo., 1701.

PRESENT:

The Proprietary and Gov^r^.

Saml. Carpenter, Thos. Story,	Esq'rs.	John Guest, Caleb Pusey,	Esq'rs.

The Gov^r^ having desired a Conference with the Assembly, they attended, requesting to know his pleasure. And the Gov^r^ signified to them, That in his Speech he had recommended to them to Consider their Privileges as well as Property, in which he had justly given Privileges the Precedency to property, as the Bulwark to Secure the other; but they in their address (which he had Considered) insisted not only on Property alone, but on such Particulars as could by no means be cognizable by an assembly, and lay only between him and the Particulars Concerned, in which he had done and always would do to the utmost, what becomes an honest man to all those he agreed with, but he would never suffer an Assembly to intermeddle with his Property, least it should be drawn into a Precedent, if it should please

God, a Govr should preside here distinct from the Propry. The Govr therefore advised them to think again of the Present Exigency and joyn their Endeavours to give a happy Issue to this Assembly, but Especially that they should Consider the King's Letter, to which he expected an immediate answer.

And then they returned to their House.

At a Council held at Philadia the 29th of 7th Mo,1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen, Saml. Carpenter, } Esq'rs. Thos. Story, Caleb Pusey, } Esq'rs.

The House of Representatives being called on to attend the Govr. they accordingly came, and the Govr desired to know what Progress they had made in relation to the King's Letter; Tells them that he wonders he hears nothing of their Perusal of the Laws and their amendments of them; Queries why they so much neglect their own Interest as not to make use of the Oppty, he has given them to secure themselves in their Privileges; That he is desirous to part with them lovingly, & if it happen otherwise it will lie at their own doors; Urges them to be expeditious, for that his stay cannot be above 3 weeks; That he is willing to secure their Privileges to them and their heirs, & to make them and their Posterity easie in all times to come.

To which the Speaker answerd, that they had Considered and Debated the Subject of y^e King's Letter with that part of the Governour's speech relating to it; Upon which the Resolution of the House is, that the Country having been much Straitned of late by the necessary paymt of their Debts & Taxes, & as nothing appears what any other of the Colonies, who are equally concerned, have done in the like demands on them, they must for the present desire to be excused.

That they have read over the Laws & remark'd which appeared fitt to be amended, and what to be repealed, but were of Opinion they had Privileges sufficient as Englishmen, and were willing to leave the rest to Providence.

The answer of the Proprietor & Gov^r to the Address of the Assembly, head by head:

To the first Proposal,

I shall appoint those in whom I can confide whose powers shall be sufficient and Publick for the Security of all Concerned; and I hope they shall be of honest Character, without Just Exception, to do that which is Right between you and me.

To the Second,

Much of it is Included in my answer to the first, however I am willing to Execute a Publick Instrument or Charter, to secure you In your Propertys, according to Purchase and the Law of Property made lately at New Castle, Excepting some Corrections or amendments absolutely necessary.

To the third,

I know of no willfull Delays and shall use my Endeavours to prevent any for the future; & am very willing to allow the Ten acres per cent for the ends proposed by Law, & not otherwise.

To the fourth,

I am willing that reasonable fees to officers shall be ascertained by Law, or their Services left to a Quantum Meriut; for I hope you do not think they should be maintained at my Charge.

To the fifth,

I know of no person that has been obliged to answer before the Govr and Council In such Cases, but I conceive that Disputes about unconfirmed Properties must lye before y^e^ Proprietor, tho' not before his Council as Judges.

To the Sixth,

The Records Concern me as well as the People, and are and shall be in hands of men of good fame and to keep them only during good behaviour; but those of the County of Philadelphia, that Chiefly Concern the People, are in so great disorder by Razures, blots and Interlineations, that you would do well to use some method in time for their Rectification.

To the Seventh,

If the Jamaica Law will Improve our Regulacon as it does augment the fees I am Content that we Copy after it.

To the Eighth,

You are under a mistake in fact, I have Tyed you to nothing in the alotment of the City which the first purchasers then present did not readily seem to comply with; and I am sorry to find their names to such an address as that presented to you, who have gott Double Lotts by my Replotment of the City from 50 to 102 foot front Lotts, and if they are willing to Refund the 52 foot, I shall, as you desire, be easy in the Quitt rents, although this matter solely Refers to the first Purchasers & to me as Proprietor.

To the Ninth,

You are under a great mistake to think that a fourth part of the Land laid out for a City belongs to any body but myself, It being reserved for such as were not first purchasers who might want to build in future time; and when I reflect upon the great abuse done me in my absence by Destroying of my Timber and Wood, and how the Land is over Run with brush, to the Injury and Discredit of the Town, It is small Encouragement to Grant your Request; however I am Content that some Land be laid out for the accommodation of the Town, till Inhabitants present to settle it under the Regulations that shall be thought most Conducing to the End desired, about which I shall Consult with those persons chiefly Concerned therein; & for the rest of the 9th Article about the Islands, I know not which you mean nor on what Terms desired, It being an Independent property from y^e Town and Province.

To the 10th about the ends of Streets and other publick Landings of this Town.

I am willing to Grant the ends of Streets where and when Improved, and the other, according to your Request.

To the Eleventh,

I am Content that no Licenses shall be granted to any Ordinary Inn Keepers but such as the Justices shall recommend, nor suffer them longer than the Magistrates find they behave well.

To the Twelfth,

I do not understand it. For I have no Letters of feoffment, but Deeds which were Recorded by Ephraim Harman at New Castle, & by Jno. West to the best of my memory at New York, and Since Confirmed by the Order of Council for the time, as well as otherwise.

To the Thirteenth,

I think this an unreasonable Article either to Limit me in that which is my own or to deprive me of the benefitt of Raising in proportion to the advantage which time gives to other men's propertys, and the rather, because I am yet in Disburse for that long and Expensive Controversy with the Lord Baltimore, promised to be defrayed, as appears by the minutes of Councill, by the publick.

To the fourteenth,

I allow it, according to what I lately Exprest at New Castle, and it is not my fault it has not been done sooner.

To the fifteenth,

According to their own proposals at New Castle, I shall gratify their desire, vizt: that the same Revert to me after a Certain time if not improved.

To the Sixteenth,

This I take for a high Imposition, however I am willing that they all lye in Common and free untill otherwise disposed off; and shall grant the same from time to time in reasonable Portions and upon reasonable Terms, Especially to such as shall Engage to dreign and improve the same; always having a Regard to back Inhabitants for their Accommodations.

To the Seventeenth,

I cannot well understand it, therefore it must be explained.

To the Eighteenth,

It is my own Inclination, and I desire the Representatives of New Castle and Chester forthwith or before they leave the Town, to attend me about the time and method of Doing it.

To the Nineteenth,

They shall have Liberty to fish, fowle and hunt upon their own Land, and on all other lands that are mine untaken up.

To the Twentieth,

If it should be my Lott to Loose a Publick Support, I must depend upon my Rents for a supply, and therefore must not Easily part with them; and many years are elapsed since I made that offer that was not accepted.

To the Twenty-first,

I agree that the Law of Property made at New Castle shall be inserted in the Charter with Requisite amendments.

At a Council held at Philadia 30th 7br, 1701.

PRESENT:

The Propriet^r & Governr.

Edward Shippen, Samll. Carpenter, Esq'rs.
Thomas Story, Caleb Pusey, Esq'rs.

The Assembly having sent up to the Govern^r their further Application upon Sundry of the 21 Articles Exhibited in their former Petition, the same was read in these words:

The Assembly's further application to the Governr in answ'r to the Heads relating to Property:

May it Please the Governour,

The Assembly having deliberately Considered thy answ'r to their address, do Unanimously return thee their acknowledgemts for those several Heads thou art pleased to give them satisfaction in, but forasmuch as the other Heads are no less Conducing to the general Good and Well Being of the Province & Territories, & presuming on thy tender disposition towds them, have debated on Each particular Head & voted that they further apply themselves to thee as followeth:

Since you are here for your selves let me be so by my Own Election.

1st. That the Commissionrs thou art please to promise may be invested with full & Compleat Powers, & be obliged by some Clause in the Commission to act without refusal or delays, according to the full & Publick power thereof, & that it would please thee to nominate the psons to them.

2d. They humbly accept thy Answer, with the Conditions, & desire to know what thou pleases to propose therein.

My late Concession is my answer as p. Laws of Property.

3d. That the misunderstanding abt the 10 acres, p. ct. be rectified, and the allowance for roads & highways be allowed to all Lands whatever, whether already taken up or to be taken up hereafter.

4th. They humbly accept of it & own it to their satisfaction.

A Conferrence on this.

5th. They humbly move the Proprietr would be pleased further to Consider of it as proposed in the Charter.

Granted.

6 & 7th. The Records chiefly Intended by the assembly were those in being before the Proprietor's first arrival Relating to Grants of Lands &c., & would be glad y^{t} all Records be kept in good order, especially for time to Come.

8th. The assembly having tenderly weighed & Debated these 2 heads, Voted, that they be still insisted on and further applicacon be made to the Propry, humbly requesting to Call the parties Concerned therein.

9th. My former answer I adhere to, as just & true, & refuse not a Conferrence upon it.

10th. This not being rightly understood by the Assembly they humbly move the Propry to Explaine, desiring the streets, as requested, & landing places may be granted to them, because I think to lessen the Town.

11th. They humbly accept of it and desire it be inserted in a Charter of Privileges.

Both Granted if the Latter can be by Exemplifications got by y^{e} time hither.

12th. The Assembly Desires that such papers as were shewed to them in the Conferrence on this head, be recorded in the Territories and the deeds of feoffment for the 2 lower Counties, which, the Govr says, are in England, may likewise be recorded in those counties within 18 months.

13th. The humbly move the Proprietor would further Consider it as proposed, in regard to the Representatives of the lower Counties thinks it necessary for the improvement of their & the Propry's Interest.

14th & 15th. They humbly accept of those heads as they Propry is pleased to grant them, & desire to know the time proposed for reversion of the bank lotts in y^{e} Town of N. Castle.

16th. They press this article no further, but leave it to the Proprietor's Consideration.

I dont understand this.

17th. That the rents may be paid as in the Duke's time.

18th. They humbly accept of the Proprietor's answer and the Members of the House required will wait on thee to that end.

19th. They humbly accept of this & desire it may be included in the Charter.

I have answered this already.

20th. They humbly move the Proprietor would further Consider of it, in Regard to his former Promises & their Dependance thereon.

21st. They humbly accept thereof & Desire to know what amendments the Propry proposes therein.

At a Council held at Philadia the 6th ♂ of October, 1701.

PRESENT:

The Proprietary and Governour.

Judge Guest,
Capt. ffinney,
Saml. Carpenter, Esq'rs.
Thomas Story,
Caleb Pusey, Esq'rs.

Ordered, that a Warrant be sent out against Silvester Garland for selling of Rum, &c., to the Indians, to answer it before the Governour & Council.

At a Council held at Philadia the 7th ☿ of October, 1701.

PRESENT:

The Proprietary and Governour.

Edward Shippen,
Samuel Carpenter,
Thomas Story, Esq'rs.
Jno. Guest,
Caleb Pusey,
Griffith Owen, Esq'rs.

The Bill for Regulating of Courts, prepared and digested by Order, was laid before the board and Ordered to be sent to the Assembly, and that Jno. Guest & Edwd. Shippen Carry the same, Which they did accordingly.

At a Council held at Philadia the 7th of October, 1701, P. M.

PRESENT:

The Proprietary and Governour.

Edward Shippen,
Samuel Carpenter,
Jno. Guest, Esq'rs.
Thomas Story,
Caleb Caleb,
Griffith Owen, Esq'rs.

A Charter of Privileges to be granted by the Proprietor & Governr to the freemen & Inhabitants of this Province and Territories being prepared, was read and order in some heads to be further Considered and Digested.

The Sachems of the Susquehannah and Shawanah Indians, with some of their People having Come to take leave of the Proprietor before his Departure for England,

He informed them that this now was like to be his last Interview with them, at least before his Return, that he had ever loved and been kind to them and ever should Continue so to be, not through any Politick Design or for Interest, but out of a most real affection, & Desired them in his absence to Cultivate friendship with those He would leave behind in authority, as they would always, in some degree, Continue to be to them as himself had ever been. The Govr also informed them that the Assembly was now enacting a Law, according to their desire, to prevent their being abused by the Selling of Rum, with which Orettyagh, one of the Sachems, in the name of the rest, Exprest a great Satisfaction, and Desired that that Law might Effectually be put in Execucon and not only discoursed of as formerly it has been; they had long Suffered by the Practice but now hoped for a Redress, and that they should have reason to Complain no more.

And for the more effectually answering so good a Design, the Govr Desired that when ever any Transgressed the said Law, and Came, Contrary amongst them, to agreement they would forthwith take Care to give information thereof to the Govmt, that the offenders they might be Duly prosecuted; which they promised to observe, and that if any Rum were brought they would not buy it but send the person who brought it back with it again.

Then the Govr informed them that he had Charged the members of Council, and then also renewed the same charge, that they should in all respects be kind to them, and entertain them with all Courtesy and Demonstrations of Goodwill as he himself had ever done, which the said members promised faithfully to observe; and, making them some presents, they withdrew.

At a Council held at Philadelphia the 9th of October, 1701, A. M.

PRESENT:

The Proprietary and Governour.

Edward Shippen,
Saml. Carpenter,
John Guest,
Esq'rs.

Thos. Story,
Caleb Pusey,
Esq'rs.

An act for the Destruction of black birds and Crows being prepared and twice read by the Assembly, was, by two of their members, presented to the Gov^r for his approbacon.

As also an act against Selling Rum to the Indians.

Also an act Directing the Punishment of Larceny under 5 Shillings.

Also an act about attachments under 40 Shillings; All which were severally read and Considered, and some amendments being made, were returned to the House.

Two Members from the Assembly brought again the bill against Selling Rum to the Indians, also a bill against Hoggs running at large, repealing the former on that head, and informing that the Assembly had Considered the objections and alterations but that they Could not pass them otherwise than as they were at first presented and the said Bills were laid on the board to be further Considered. Adjourned to 3 in the afternoon.

At a Council held at Philadelphia the 9th of October, 1701, P. M.

PRESENT:

The Proprietary and Governour.

Edward Shippen, Caleb Pusey, Esq'rs. Samuel Carpenter, Griffith Owen, Esq'rs.

Edward Shippen and Caleb Pusey were sent from this board, with a prepared bill for the Confirmation of the Laws past at New Castle, together with a petition on which the said Bill was grounded, from several of the magistrates and officers of Philadia, Complaining that by Reason of Sundry objections made to the law past at New Castle, being without Bounds of the Province, the people so far scrupled to pay the same, as without Constant distresses the Sherif had no hopes to be ever able to recover the same, and therefore requesting that the said Laws might be Confirmed and all further objections thereby removed, and returning the bills for destroying blackbirds, &c., agreed to by the Govr; Also with a message to the House, requiring a Conference to morrow upon the bill about Indian Trade, the bill about Hoggs, and the amendments proposed in the bill of property.

And the said members, returning, reported that they had deliver'd their message, with the bills, and that the House would enter on the Consideration of the said Message and accordingly return their answer.

Two members from the House of Representatives brought to this board an act for Regulating Officer's fees, prepared, and twice read in their House.

Ordered, that the Surveyor Genl, Secry, Mr. of the Rolls, Clerk & other officers, this evening Consider the said act, and make their Report to this Board in the morning.

At a Council held at Philadelphia, the 10th ♄ of October, 1701.

PRESENT:

The Proprietary and Governour.

Edward Shippen, Samuel Carpenter, Judge Guest, Esq'rs. Thomas Story, Caleb Pusey, Esq'rs.

The House of Representatives meeting the Govr in a Conferrence, as proposed to them yesterday, the Govr told them he had Considered the bills they had sent him yesterday, and to the Hogg bill objected, that in the Penalty that part of the forfeiture which was formerly to the Govr was given away, and that he expected to have a due regard paid him in those respects, that something might be in his power to ease those that were innocently sufferers.

The Gov^r also let them know that he had further Considered the bill against Selling Rum to the Indians and Desired they would admitt of the Evidence of the Indians, without wch the Design of that act would be eluded, and that tho' they were not under the same Consciencious Obligation, as Christians are, to speak the Truth, yet they might be obliged to it through the Terrour of some punishment to be inflicted on their giving false Evidence. The Gov^r also desired the bill for Regulating of fees might be further Considered, the Respective Officers to whom it was left to Consider it having Complained that if the Bill were past as now drawn, the fees were so small that they would not afford them a necessary subsistence.

The Gov^r also proposed to the Assembly to Consider of some fitt persons to be proposed to him to Represent him in the Govmt in his absence, letting them know that he had wrote to his son many months ago, to recommend for the King's Approbacon Coll. Andrew Hamilton, Govr of the Jerseys.

The Gov^r also delivered to the Speaker, the Charter of Privileges, as prepared for their acceptance, all which the Speaker said should be laid before the House, and what the Governr had been pleased to give them in Charge should be duly Weighed and Considered.

At a Council held at Philadelphia the 13th ♂ of October, 1701.

PRESENT:

The Proprietor and Governour.

Edward Shippen,
Samuel Carpenter, } Esq'rs.
Thos. Story,

Jno. Guest,
Samll. ffinney, } Esq'rs.

The Gov^r and Councill unanimously insist upon the first bill about persons Trading with the Indians for Rum, &c., apprehending that the latter Renders the End proposed ineffectual & have appointed two of the Council to go to the assembly or meet any Committee, by them to be appointed to Confer further about the same.

Silverter Garland of New Castle acknowledges, &c., in £100.

Upon Condition that he the said Silvester will not at any time hereafter Sell, Barter or Exchange Rum or any other Strong Liquor with any Indian or Indians, at any Indian Town or other place in y^e woods, within this Govmt, for Skins or Peltry, &c., that then &c. Otherwise, &c.,—Acknowledged y^e 13 of October, 1701, ♂.

Before Justice Shippen.

Adjourned till three in the afternoon.

Iidem qui Antea.

A Message to the Assembly to Desire them further to Consider of the Law about marriages, and the attest of attorneys as far as the first has given occasion to some members of the Ch. of England thinking themselves aggreived thereby, and the Latter to the Attorneys.

Adjourned till to morrow.

At a Council held at Philadelphia the 14th of Octobr, 1701, A. M.

PRESENT:

The Proprietary and Governour.

Edward Shippen, Samuel Carpenter, John Guest,	Esq'rs.	Thomas Story, Caleb Pusey, Griffith Owen,	Esq'rs.

The members of Newcastle & Kent Counties, with John Hill for Sussex, appearing before the Gov^r^, did remonstrate that on the 6th Day last, being the 10th Inst., a Certain Petition and Bill for Confirmation of the Laws past at New Castle, being brought into the Assembly which Carried with it Consequences highly injurious and destructive to the Privileges of the Lower Counties, they Judged they Could not sitt while it was Carrying on without a manifest abuse to the Counties represented by them, and therefore they informed the Gov^r they thought it most expedient to Depart, and accordingly were about Departing to their respective habitations; Upon which, the Gov^r making a further inquiry, and Desiring that Case to be Stated and matter of fact declared,

One of the said Members read a paper Containing their Exceptions & Reasons as follows:

Reasons delivered to the Governour from y^e members of the Lower Counties agst passing y^e act of y^e Confirmacon of Laws:

1st. That the Laws made at New Castle, being owened on both sides to be good in themselves, must suppose some reason to re-enact or Confirm them.

But the reasons menconed in a Certain Petition brought In by the Justices and officers of the Court of Philadia have not strength, they having convicted none of Disaffection to the Laws past at New Castle, nor performed the Execucon past of the Law which in that Case was heir Duty.

In the bill brought in to the House from the Governour, no reason is alledged for the Confirmation of Laws but this, (That it is usual and Customary) but the Laws so Confirmed were only temporary and a Necessity in those Cases were the reason, which Cannot hold in this, and we know it becomes no assembly to Enact or Confirm Laws without reason.

Further, the Consequence will be fatall to the Lower Counties, for their Representatives cannot make Laws in the Territories, but must come into the Province to make Laws which must effect the Territories, which we think very unreasonable.

ffurther, by the late act of Union, the lower Counties were to have Equal Privileges in all things relating to the Govmt with y^{e} upper, but to say or own y^{e} laws past at N. Castle want Confirmation here, is to Discourage N. Castle to be the seat of Assembly hereafter, & to humour some persons but supposed to be Disaffected, we shall incur the Clamour of many hundreds in our own Counties.

lastly, If the laws made at N. Castle be not binding, we cant conceive y^{t} their being Confirmed here wth the lower Counties in Conjunction with the upper will add any force or strength to them, unless they please to shew us what power they have more to make laws with us in the Province then we have to make laws with them, in the Territories.

Signed by us, the members of Assembly for the Lower Counties att Philadia, the 14th of October, 1701.

Jno. Brinkloe,	Jasper Yeates,
Wm. Rodeney,	Richard Halliwell,
John Walker,	Adam Peterson,
Wm. Morton,	Jno. Donaldson.
Luke Watson, junr.	

To which the Governour gave his Several answers, concluding that as it has been a frequent Practice (as can be evidently proved) to Confirm the Laws of former Assemblies and in Engl'd, the great Charter has been Confirmed by at least 50 several acts, it could be no Derogation to the authority of the Laws past at N. Castle to have them Confirmed again; that were He to stay He would not be for it himself; but that all Difficulties might be entirely removed in his absence, seeing some foolish Contests have arose, which, however groundless,might be improved in the Govr's absence, and Drive them into Confusion; and that he took it very unkind, to himself in particular, they would now give Occasion of a Rupture, such a Return as they would find perhaps he deserved better from their hands; upon which they affirmed (J. Yeates) that it was not through any personal disregard to the Gov^{r}, for whom they had always a sincere respect, but they must be just to their principals whom they Represented, and therefore could not proceed unless they could act safely in Regard to the Privileges of their Counties.

The Gov^{r} proposed that they should meet before him and Council, within an hour, together with the rest of the House who should be sent for; & then adjd. for one hour.

POST MERIDIEM, Iidem qui antea Simul cum, Samll. ffinney.

The Assembly having been sent for, both those for the Province and the Secluding members appeared, and the Gov^{r} lett them know That his time now being short, He must come briefly to y^{e} point, That it was no small wound to him to think, that having at the earnest desire of the lower Counties, as well as the goodwill of the upper, engaged in an undertaking which cost him at Least 2 or 3000 Ls. to make them one, they should now endanger a Rupture and divide themselves after they had been recognized as one, not only by the King's Commission to Gov^{r} Fletcher, but his Letters Patents for his own Restoration, & by the King's Several Letters, Gov^{r} as well of the Territories as of the Province, and therefore would not have any thing resolved on but what was Considerate & weighty, lest it should look too unkind now at his Departure, and Carry a very ill report of them all to England.

The lower County members objected; they were great sufferers by that act of Union, however it was at first intended, & could not support the burden of the charge. The Govr then told them they were free to break off, and might act Distinctly by themselves, with which they Expressed themselves well pleased and ready to joyn; But the Gov^{r} told them it must be upon amicable Terms and a good understanding. They must first Resolve to settle the Laws, and as the Interest of the Province and those lower Counties would be inseperably the same, they should both use a Conduct to each other consistent with that Relation; and many things being talked over on the subject they all withdrew.

A Bill being prepared for the more Speedy & effectual payment of the Two Thousand Pounds granted the Proprietary, was read and ordered to be Carried to the assembly,

And Judge Guest, Saml. Carpenter and Thos. Story accordingly Carried the same, who returning, reported that according to Order they had Delivered the said Bill, and that the House of Representatives desired the said members of Council to report to the Gov^{r} that they would speedily wait upon the Gov^{r} with their answer, & recommend some persons to represent the Gov^{r} in his Govrmt & absence.

A member from the House of Representatives, by Order of that House, waited on the Gov^{r} with a message, viz: That Hearing the Gov^{r} for some time Designed to leave the Town and go to his Plantation, and they being likely to have business of importance with him, They requested that (if possible) he would be pleased to defer his Journey or if there were a necessity for it, that he would be pleased to make a speedy return.

The Govr answered, That the urgency of his affairs were such that he could now no longer forbear visiting his family in Order to Settle the same, and that he would return as soon as possible; in the mean time Desired they would report what they had done in respect to the persons to be.

The Speaker & 2 members from the House waited on the Gov^{r} & Delivered in the Charter of Privileges, with some alterations, & the Bill about Indian Traders, and further represented y^{t} they had Considered what the Gov^{r} had proposed about the Govrmt &c. They humbly acknowledged the Testimony of his Good will in leaving so much to their Choice, but requested to be excused the person they approved of, but left all to the Gov^{r}.

As to the amendments in the Bill of Property, they feared they could do little in what was required, but would yet further Consider & Debate of it.

Ordered, that Jno. Corse be heard to-morrow.

At a Council held at Philadia, the 15th of October, 1701.

PRESENT:

The Proprietary and Governour.

Edward Shippen, Saml. Carpenter, John Guest, Esq'rs.
Caleb Pusey, Griffith Owen, Esq'rs.

The Proprietor having in the morning wrote the following Letter with his own hand, the same was sent to the assembly:

ffriends:

Your Union is what I desire, but your Peace and accommodation of one another is what I must expect from you. The Reputation of it is something, y^{e} reality much more; & desire you to remember & observe what I say; yield in Circumstantials to preserve Essentials, and being safe in one another you will always be so in Esteem with me; make me not sad now I am going to leave you, since tis for you as well as for.

Your ffr^{d}, Proprietor & Gov^{r}, W. P.

Richard Halliwell, Jasper Yeats and Willm. Rodeney, appearing at the board, acquainted the Gov^{r}, That in pursuance of what had been this morning proposed to them, they had gone with the rest of the members to the House of Representatives, in order to proceed upon business, but those of the Province persisted so obstinately in refusing them any saving of their Privileges that would be consistent either with their honour or Interest, that they could not sitt, which they Came to inform the Gov^{r} of, and at the same time humbly to take their leave, being under a necessity of departing to their habitations; At which the Gov^{r}, as well as they, expressed a Concern, but lett them know he believed, and that upon a further Inquiry it would be found, they stood not at such a Distance; upon which the Govr proposed a message, and accordingly several were sent from the Council both to the House of members sitting & the secluding members, and it was at length Concluded they should meet all together again and try to Compose their differences amongst themselves.

The Govr, having divers affairs to settle in his family at Pennsbury, went up thither on the 16th of October, and did not return till the 21st Instant.

At a Council held at Philadelphia, the 22d of Octobr, 1701.

PRESENT.

The Proprietary and Governour.

Edward Shippen, Samuel Carpenter, John Guest,	Esq'rs.	Capt. ffinney, Thomas Story, Caleb Pusey,	Esqr's.

The matter in Controversie between Jno. Corse, a Genoese, and Sarah Sanders, Widow, Executrix of her late husband, Charles Sanders, is by order of this board referr'd to Judge Guest, Edward Shippen & Samuel ffinney, who shall give their Report to morrow morning.

It being made appear to the Govr and Council, by the Complaint of some of the neighboring Inhabitants, that the passage over the water, at frankfort, upon the highway, is much broken and Dangerous, to the end the same may be forthwith amended, It is ordered, that the overseers of the high ways at ffrankford, and the Township of Oxford, equally Contribute to what is needfull towards the said Repair, and that Thos. Parson (for good Causes shewn) be obliged to Cutt open the old water Course, or pay the sum of 40 shills. towards the same.

Adjourned till 4 in the afternoon.

POST MERIDIEM.

Ord'd, that Coll. Quarry be desired to attend this Board to morrow morning at nine of the clock.

At a Council held at Philadelphia, the 23d of October, 1701.

PRESENT:

The Proprietor and Governour.

Edward Shippen, Samuel Carpenter, Judge Guest, Griffith Owen,	Esq'rs.	Caleb Pusey, Thomas Story, Phineas Pemberton,	Esq'rs.

Two members of Council were sent to the Assembly, in a message from the Gov^r, to let them know that his time was now so short they must expect to sett no longer than to morrow, and to return such Bills as lay before this Board.

A message from the Assembly, mentioning a petition signed by above one hundred hands of the Chief inhabitants of Philadia, to remove the several Cloggs and Burthens upon Trade, to witt: y^e Tunage of Ships, the Duties on Liquors, &c., wch being voted in the House and Carried, was proposed to the Governr, who answered that in Case they would give an Equivalent he was content; upon which another message from the Council was likewise sent, but no answer made.

A Charter of Property was read & Committed to Samll. Carpenter, Caleb Pusey, Thos. Story & Phineas Pemberton; also a Charter for the City Philadia, committed to Edwd. Shippen & Judge Guest.

At a Council held at Philadelphia, the 24th of October, 1701.

PRESENT.

The Proprietary and Governour.

Edward Shippen,
Samuel Carpenter,
Judge Guest,
Griffith Owen, Esq'rs.

Caleb Pusey.
Thomas Story,
Phineas Pemberton, Esq'rs.

A message from the Assembly requesting the Gov^{rs} Resolution concerning the Bill for bringing actions against superiours.

Also concerning the Bill of fees; also, concerning the Preamble to the Confirmation of the Laws; also, the Charter of Property.

And to Desire the Govr to inform them whom he designs to leave to represent him in Govrmt, and who in Proprietary.

Judge Guest, Edwd. Shippen & Capt. ffinney, being appointed to hear & Examine the matter in Controversie between John Corse and Widow Sanders, and to make their Report, according to the former order, &c., and Capt. ffinney being absent, it is Referred to Judge Guest and Edward Shippen, who shall make their Report to this board to morrow morning at ten a Clock.

The Case of Henry Eltreth is Referred to the Council by the Gov^r, and they to recommend it to the Town that some care may be taken therein.

Two members of the Assembly sent from the House Inform this board that they had sent their bills to be Ingrossed, and had nothing Else before them, and desire to have the bill of Property.

The Gov^r informs them that he takes it ill that any one should pretend to draw such a thing without his directions; that he never saw it before last night, and that it is not as yet ready.

Desires them to be Expeditious about the Laws for the Capt. of the Vessell had writt to him & would not stay after his Vessell was ready.

At a Council held at Philadia, the 25th of October, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,
Samll. Carpenter,
Judge Guest,
Griffith Owen, Esq'rs.

Caleb Pusey,
Thos. Story,
Phineas Pemberton, Esq'rs.

Two of the members of Assembly brought to this board the Bill of fees, and informed this Board that they had finished all their business & desired to know whether the Governour was ready for them.

Edward Shippen, Samuel Carpenter, Thomas Story and Caleb Pusey, by order of the Board, went to y^{e} Assembly to Confer wth them about the bill of Property.

Samll. Carpenter and Thos. Story were sent from this board to the Assembly with the following message from the Gov^{r}, viz:

ffriends:—Complaint having been made that some persons had not the benefitt of the Law of New Castle, with respect to the allowances of 10 acres p. cent., I consented to allow the said ten acres per cent. according to the sd Law, but never intended to make myself Debtor for those deficiencies which were not to be had; and understanding that you look upon that Law unequal, as giving to some 10 p. cent. where there is overplus, and but two p. cent. upon survey'd Lands where no more is to be found, I am therefore willing to allow or make good 6 p. cent. to all persons, as well to those who want as to those who do not want the same, upon a Resurvey.

This proposal of the Govr's was returned unaccepted of by the Assembly.

* * *

At a Council held at Philadelphia, the 28th of 8br, 1701.

PRESENT:

The Proprietary and Governour.

Edwd. Shippen,
Samll. Carpenter,
Jno. Guest,
Griffith Owen, Esq'rs.

Caleb Pusey,
Thos Story,
Phineas Pemberton, Esq'rs.

A Petition from Samll. Carpenter was read, setting forth, That in an Assembly, in the year 1696, It was ordered and entred that the said Samuel should be allowed for his Disbursment laid out for taking of Babbit and his men, 63£ 8S, out of the Provincial Treasure, and thereupon the Petitr prays the Council that he may now be allowed the said sum out of the Provincial Tax now in his hands.

Ordered as requested.

The Govr, having on the 25th Inst., sent his offer in writing, to allow & make good to all y^{e} Possessors of Lands in the Province & Counties 6 acres to the hundred, in all cases, whether they had so much within their Lines or not, which offer they had rejected, he thought fitt to summon all the Representatives to attend him, Desiring they would adjourn themselves to his house; and being come he very closely Expostulated with them for their failure in Duty, not only to him but to themselves, in making no better use of the oppty he had given them; told them he had scarce half an hour left to spend with ym; desired to know if they had come to any further Resolution about the bill of property; said he expected they would not leave that point, which he had proposed to them last 7th Day, viz: the offer of 6 p. cent. unsettled & now he said he had required them to adjourn to his House that they might here proceed without loss of time in their business, and advised them to retire into his Parlour, where they might sit undisturbed so long as to come to a Resolution, to which he most earnestly press'd them, & withdrawing, accordingly having spent about an hour in the said parlour, they sent the Govr a Paper, which was read in these words:

The assembly making due reflections on the Govr's speech, and the Duty they lye under of discharging their trust unto the freeholders whom they represent, in ascertaining & maintaining their rights, in property as well as Privileges, and the Law of N. Castle being short in giving unto all equally their right in reference to ye 10 p. cent., according, as we since this sessions begun Conceived, the Proprietary was pleased to Concede unto, which did appear by the paper he amended with his own hand. and sent by 2 of our members into this house, thereby giving satisfaction to the whole House, and we since abating of the hardships the Proprietor complained of, by other amendments this day offered by 2 of our members, relating to making satisfaction to all such as wanted their measure of Land, wch paper the Proprietor was pleased to reject and return to us, giving us in Charge that we must make speedy dispatch, having but half an hour's time to spend, and that, now, many our members have left the house and are returned to their homes, under a satisfaction that the Ten p. cent. would be allowed equally to all persons concerned, according to the amendment Conceded to, as abovesaid, We must therefore humbly Crave leave to acquaint our Proprietor That we cannot Depart from our former Concession, and request without injuring our sense & remonstrating it accordingly in a larger manner, if we had time so to do. But whatever we do Contrary to the same, is of Necessity and not of Choice.

This Paper not being signed it was returned to them to be signed, but they declined it.

The several Bills that were agreed on being Ingrossed and presented to the Governour, These were passed:

An act for Establishing Courts of Judicature.

An act directing the Punishment of Larceny under five shillings.

An act about attachments under 40 shills.

An act for preventing Clandestine marriages.

An act for preventing accidents by fire in y^e Towns of Bristol, Philadia, Chester, Germantown, Darby, New Castle and Lewis.

An act against Swine running at large in several Townships, &c.

An act for the Destruction of Black birds and Crows.

An act against selling Rum and other strong Liquors to the Indians.

The Governour also signed the Charter of Privileges, with a Warrt to affix the Great Seal to it, wch was delivered with it to Thos. Story, Keeper of the said Seal and master of the Rolls, to be Sealed and Recorded,

And the Assembly was dissolved.

THE CHARTER OF PRIVILEGES TO THE PROVINCE & COUNTIES.

WILLIAM PENN, Proprietary & $Govern^r$ of the Province of Pennsylvania & Territories thereunto belonging.

To all to whom these presents shall come, sendeth Greeting:

WHEREAS, KING CHARLES THE SECOND, by his Letters Patents under the Great Seal of England, bearing date the fourth day of March, in the year One Thousand Six hundred & Eighty, was Graciously pleased to Give and Grant unto me, my heirs & Assigns, forever, this Province of Pennsylvania, with Divers Great Powers and Jurisdictions for the Well Government thereof; and whereas the King's Dearest Brother, James, Duke of York and Albany, &c., by his Deeds of feoffment under his hand & Seal, duly perfecting, bearing Date the Twenty-fourth Day of August, One thousand Six hundred Eighty & two, Did grant unto me, my heirs and Assigns, all that Tract of Land now Called the Territories of Pennsylvi'a, together with Powers and Jurisdictions for the good Government thereof; AND WHEREAS, for the Encouragement of all the freemen and Planters that might be Concerned in y^e said Province and Territories, and for the good Government thereof, I, the said Willm. Penn, in the year One Thousand Six hundred Eighty & three, for me, my heirs and assigns, Did grant and Confirm unto all the freemen, Planters and adventurers therein, Divers Liberties, ffranchises & Propertys, as by the said Grant Entituled the FRAME of y^e GOVERNMENT of the PROVINCE of PENNSYLVANIA & TERRITORIES thereunto belonging, in AMERICA, may appear; which Charter or fframe, being found in some parts of it not so suitable to y^e Present Circumstances of the Inhabitants, was in the third month, in the year One thousd seven hundred, Delivered up to me by six parts of seven of freemen of this Province and Territories, in General Assembly mett, provision being made in the said Charter for that end and Purpose; AND WHEREAS, I was then pleased to promise that I would restore the said Charter to them again with necessary alterations, or in Liew thereof, Give them another better adapted to answer the Present Circumstances & condition of the said Inhabitants, which they have now, by their Representatives in General Assembly mett at Philadelpia, Requested me to grant; know ye therefore, that I, for the further well being and good Govrmt of the said Province and Territories, and in Pursuance of the Rights and Powers before mentioned, I, the said WILLIAM PENN, do Declare, grant and Confirm unto all the freemen, Planters and adventurers, and other inhabitants in this Province and Territories, these following Liberties, ffranchises and Privileges, so far as in me lyeth, to be held, enjoyed and kept by the freemen, planters & adventurers, & other Inhabitants of and in the said Province and Territories thereunto Annexed, forever;

FIRST: Because no people can be truly happy, though under the greatest Enjoyment of Civil Liberties, if abridg'd of the freedom of their Consciences as to their Religious profession & Worship; and Almighty God being the only Lord of Conscience, ffather of Lights & Spirits, and the author as well as object of all Divine Knowledge, ffaith and Worship, who only doth Enlighten the Mind & perswade and Convince the Understandings of People, I do hereby Grant and Declare that no person or persons, inhabiting in this Province or Territories, who shall Confess and acknowledge one Almighty God, the Creator, upholder and Ruler of the World, and Profess him or themselves obliged to Live Quietly under the Civil Government, shall be in any Case molested or prejudiced in his or their person or Estate because of his or their Consciencious perswasion or Practice, nor be Compelled to frequent or maintain any Religious Worship, place or ministry contrary to his or their mind, or to do or suffer any other act or thing Contrary to their Religious perswasion. And that all persons who also profess to believe in JESUS CHRIST the SAVIOUR of the World, shall be Capable (notwithstanding their other perswasions and Practices in Point of Conscience & Religion) to serve this Governmt in any Capacity, both Legislatively and Executively, he or they Solemnly promising, when Lawfully required, allegiance to the King as Sovereign, and fidelity to the Proprietor and Governour, and Taking y^e attests as now Established, by the Law made at New Castle, in the Year One Thousand seven hundred, Intitled an act Directing the attests of several officers and ministers, as now amended and Confirmed by this present Assembly.

SECONDLY: for the well governing of this Province and Territories, there shall be an Assembly Yearly Chosen by the freemen thereof, to Consist of four persons out of each County of most note for Virtue, Wisdom & Ability, (or of a greater number at any time as the Governour and Assembly shall agree,) upon the first day of October, forever; and shall sitt on the fourteenth day of the said month, at Philadelphia, unless the Governour and Council for the time being shall see Cause to appoint another Place within the said Province or Territories, which assembly shall have power to Choose a Speaker and other their officers, and shall be Judges of the Qualifications and Elections of their own members, sitt upon their own adjournments, appoint Committees, prepare bills in or to pass into Laws, Impeach Criminals and Redress Grievances; and shall have all other powers and Privileges of an Assembly, according to the Rights of the free born subjects of England, and as is usual in any of the King's Plantacons in America. And if any County or Counties shall refuse or neglect to Choose their Respective Representatives, as aforesaid, or if Chosen do not meet to serve in Assembly, those who are so Chosen & mett shall have the full power of an Assembly, in as Ample manner as if all the Representatives had been Chosen and mett: Provided, they are not less than two thirds of the whole number that ought to mett; And that the Qualifications of Electors & Elected, and all other matters and things Relating to Elections of Representatives to serve in Assemblys, though not herein particularly Exprest, shall be and Remain as by a Law of this Govrmt, made at New Castle in the year One thousd seven hundred, Intitled an Act to ascertain the number of members of Assembly, and to Regulate the Elections.

THIRDLY: that the freemen in each Respective County, at the time and place of meeting for Electing their Representatives to serve in Assembly, may, as often as there shall be occasion, Choose a Double number of persons to present to the Govr for Sherifs and Coroners, to serve for three years, if they so long behave themselves well, out of which Respective Elections & Presentments The Govr shall nominate and Commissionate One for each of the said officers, The Third Day after such presentment, or else the first named in such presentment for Each office, as aforesaid, shall stand and serve in that office for the time before Respectively Limitted; and in case of death or Default, such vacances shall be supplied by y^e Governour to serve to the End of the said Term: PROVIDED always, that if the said freemen shall at any time neglect or Decline to Choose a person or persons for Either or both the aforesaid offices, then and in such Case the persons that are or shall be in the Respective offices of Sherif or Coroner at the time of Election, shall remain therein untill they shall be Removed by another Election, as aforesaid. And that y^e Justices of the Respective Counties shall or may nominate & present to the Govr, three persons to serve for Clerk of the Peace for the said County when there is a vacancy, One of which the Governour shall Commissionate within Ten Days after such presentment, or else the first nominated shall serve in the said office During good behaviour.

FFOURTHLY: that the Laws of this Govrmt shall be in this stile, vizt: [By the Governour, with the Consent and approbation of the freemen in General Assembly mett,] and shall be, after Confirmation by the Governour, forthwith Recorded in the Rolls office, and kept at Philadia, unless the Govr and Assembly shall agree to appoint another Place.

FIFTHLY: that all Criminals shall have the same Privileges of Witnesses and Council as their Prosecutors.

SIXTHLY: That no person or persons shall or may, at any time hereafter, be obliged to answer any Complaint, matter or thing Whatsoever Relateing to Property before the Governr and Council, or in any other place but in the ordinary Courts of Justice, Unless appeals thereunto shall be hereafter by Law appointed.

SEVENTHLY: That no person within this Governmt shall be Licensed by the Govr to keep Ordinary, Tavern, or House of Publick Entertainment, but such who are first Recommended to him under the hand of the Justices of the Respective Counties, signed in open Court, wch Justices are and shall be hereby Impowered to suppress & forbid any person keeping such Publick House, as aforesaid, upon their misbehaviour, on such Penalties as the Law doth or shall direct, and to Recommend others from time to time as they shall see occasion.

EIGHTHLY: If any person, through Temptation or melancholly, shall Destroy himself, his Estate, Real & Personal, shall, notwithstanding, Descend to his wife and Children or Relations as if he had Died a natural Death; and if any person shall be Destroyed or kill'd by Casualty or accident, there shall be no forfeiture to the Governour by Reason thereof; And no act, Law or Ordinance, whatsoever, shall at any Time hereafter be made or done to alter, Change or Diminish the form or effect of this Charter, or of any part or Clause therein, Contrary to the true Intent and meaning thereof, without the Consent of the Govr for the time being, and Six parts of Seven of the Assembly mett. But because the happiness of mankind depends so much upon the Enjoying of Liberty of their Consciences, as aforesaid, I do hereby Solemnly Declare, promise and Grant for me, my heirs and assigns, that the first article of this Charter, Relating to Liberty of Conscience, and Every part and Clause therein, according to the true Intent and meaning thereof, shall be kept and remain without any alteration, Inviobly forever.

And LASTLY, I, the said William Penn, Proprietor & Govr of the Province of Pennsylvania and Territories thereunto belonging, for my self, my heirs and Assigns, have solemnly Declared, Granted and Confirmed, and do hereby Solemnly Declare, Grant and Confirm, that neither I, my heirs or Assigns, shall procure or do any thing or things whereby the Liberties in this Charter Contained and Exprest, nor any part thereof, shall be infringed or Broken; and if any thing shall be procured or done by any person or persons, Contrary to these presents, it shall be held of no force or effect.

IN WITNESS whereof, I, the said William Penn, att Philadia, in Pennsylvania, have unto this present Charter of Liberties sett my hand and Broad Seal, this Twenty Eight Day of October, In the Year of our Lord One thousand Seven hundred and one, being the thirteenth year of the Reign of King WILLIAM the Third, over England, Scotland, ffrance and Ireland, &c., and in the Twenty first year of my Govrmt. And Notwithstanding the Closure and test of this present Charter, as aforesaid, I think fitt to add this following proviso thereunto as part of the same, that is to say: that notwithstanding any Clause or Clauses in the above menconed Charter, obliged the Province and Territories to Join together in Legislation, I am Content and do hereby Declare that If the Representatives of the Province and Territories shall not hereafter agree to Joyn together in Legislation, and if the same shall be signified to me or my Deputy, in open Assembly or otherwise, from under the hands and Seals of the Representatives (for the time being) of the province or Territories, or the major part of Either of them, any time within three years from the date hereof; That in such Case the Inhabitants of Each of the three Counties of this Province shall not have Less than Eight persons to Represent them in Assembly for the Province, and the Inhabitants of the Town of Philadia (when the said Town is incorporated) Two persons to Represent them in Assembly; and the Inhabitants of Each County in the Territories shall have as many persons to Represent them in a Distinct Assembly for ye Territories as shall be by them Requested, as aforesaid, Notwithstanding which seperation of the Province and Territories in Respect of Legislation, I Do hereby promise, Grant and Declare that the Inhabitants of both Province & Territories shall separately Enjoy all other Liberties, Privileges and benefitts Granted Jointly to them in this Charter; any Law usage or Custom of this Govrmt heretofore made & practised, or any Law made and passed by this General Assembly to the Contrary hereof, Notwithstanding.

Copia Vera. WILLIAM PENN.
p. Jos. Antrobus,
Clerk of the Assembly.

This Charter of Privileges being Distinctly Read in Assembly, and the whole & every part thereof being approved of and agreed to by us, we do thankfully Receive the same from our Proprietor & Govr, at Philadelphia, This Twenty Eight Day of October, 1701.

Signed on behalf and by order, of the Assembly
p. JOS. GROWDON, Speaker.

Edwd. Shippen,
Phineas Pemberton,
Samll. Carpenter,
Griffith Owen,
Caleb Pusey,
Thos. Story.
Propry. & Gov'rs Council.

Recorded in the Rolls Office at Philadelphia, In Patent Book A., Vol. 2nd, pa. 125 to 129, The 31st of 8th Mo., 1701.
By me, THOS. STORY, Mr. ibim.

The Govr also at the same time Signed the Charter for the City Philadelphia, dated ye 25th Instant, with other Charters and Commissions, & particularly a Commission of Property to Edwd. Shippen, Griffith Owen, Thos. Story & James Logan, Impowering them, or any three of them, to grant Lotts & Lands & to make Titles, &c. Also a Commission to the Council in these words:

WILLIAM PENN, true and absolute Proprietary & Governour in Chief of the Province of the Province of Pennsylvania and Territories thereunto belonging:

To all to whom these Presents shall Come, sendeth Greeting:

Know ye that I have nominated, appointed and ordained my trusty and Well beloved friends, Edwd. Shippen, Jno. Guest, Samuel Carpenter, William Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samuel ffinney, Caleb Pusey and Jno. Blunston, to be my Council of State for the Govrmt of the said Province of Pennsylvania, and Counties Annexed, of whom any four shall be a Quorum, to Consult and assist, wth the best of their advice & Council, me or my Lieutenant or Deputy Governour for the time being, in all Publick affairs and matters relating to the said Govrmt, and to the Peace, safty and well being of the People thereof, and in the absence of me and my Lieut. out of the said Province & Territories, or upon my Lieut^{s} Decease or other incapacity, I do by these Presents give and Grant to the said Edward Shippen, Jno. Guest, Samuel Carpenter, Willm. Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samll. ffinney, Caleb Pusey and John Blunston, or any five of them, to Exercise all and Singular the powers, Jurisdiction and authorities whatsoever, to me & my heirs, by Vertue of the Royal Charter or Letters Patent of King Charles the Second, given and Granted, that are or shall be necessary for the well governing of the said Province and Territories, and for the Administring, Maintaining & Executing of Justice, & providing for the safty and well being of the said People during such absence, they and each of them, the said Edwd. Shippen, Jno. Guest, Samll. Carpenter, William Clark, Thos. Story, Griffith Owen, Phineas Pemberton, Samll. ffinney, Caleb Pusey and Jno. Blunston, to Continue in Place till my further order shall be known: and I do further hereby grant to my Ltt. Govr for the time being, full power and authority, upon the Decease or removal of any of the said Council, to nominate and appoint others to serve in their place & Stead, also to add to the number of Council now appointed, and to appoint a president of y^{e} said Council, when and so often as my said Lieut. shall see Cause; and in Case he shall not appoint a President, then the first named, or the next to him shall and is hereby impowered to take the Chair.

Given under my hand and great Seal of this Province, at Philadelphia, the Twenty Eighth of October, in the Thirteenth year of the Reign of King William the third, over England, &c., and the One & Twentieth of my Government.

Annoq Domini 1701.

WILLIAM PENN.

Recorded in the Rolls Office at Philadelphia, in Patent Book A., vol. 2, page 154, 155, this 11th of 9th month, 1701.

By me, THOS. STORY, Mr. ibim.

Memorandum that an Instrument, Called a Charter of Property, being prepared by Davd. Loyd, for settling whatever related to the Proprietor's Lands & his Proprietary Powers, & divers powers of Governmt in the manner of a Corporation, being brought down to him to Newcastle, was pressed on the Proprietor to be signed by such as were in Davd. Lloyd's Interest, and he was so far prevailed on as to signe it & leave it in the Secrys keeping, with an Order, under his hand, to affix the great Seal to it after 6 months from that time, provided he should not from England direct the Contrary; but Capt. Gay, arriving in the following April, brought a negative to it, which is thought proper to be inserted here as follows:

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At a Council held at Philadelphia, November the ffourteenth, Anno Domi 1701.

PRESENT:

Ye Honeble ANDREW HAMILTON, Lieutent Governr.

Edward Shippen,
John Guest,
Samll. Carpenter,
William Clark,
Thomas Story.

The Govr acquainted the members of the Board that three of ye Commiss'rs named in the King's Dedimus Potestatem, for administring the Oath, appointed by act of Parliament for ye Greater Security of the Plantation Trade, to the Governr of Pensilvania, for ye time being, vizt: Richd. Halliwell, John Moore, Jasper Yeats, were now at his request in Town, and that he had Conferr'd with them about administring the said Oath to himself In Pursuance of the said Instrument, upon the Propry's Commission of Deputation, but that they Insisted upon having the sd Instrument first delev'd up to them & left in their Keeping, as Properly belonging to them, otherwise they were unwilling to touch with or be Concerned in it; upon which the Govr demanded the opinion of the Council what was fit to be done.

And upon a full Consideration and Debate of the Case it was Resolved, That because the sd Dedimus is to six persons, of wch ye before mentioned Commrs are only three, or to any ffive of ye Council with the King's Collector of his Customs in the place, who by vertue thereof have Equal Power with the Commissioners to Administer the said Oath, And Because it is to Continue in the Government from time to time to be administered to Each Governr that hereafter shall be appointed, for which reason the Council seems to be named as a Body Politick, that shall have Power to administer the said oath in time to Come after the Decease or Removall of the Commrs named; and Because the said Commrs are several & Private men, It may be uncertain where to search for and Difficult to Retrieve the said Instrument upon their Decease, or otherwise when there shall be occasion, and by that meanes the Succeeding Governrs be left exposed, It is therefore most Requisite & necessary that ye sd Dedimus be in the Custody of the Government: and thereupon 'tis Ordered that the same be Committed to ye master of the Rolls, to be by him Kept with the Records of the Province, to use hereafter as well as now when occasion shall require;

And upon a motion made that the said three Commissioners should be sent for by the Governr and acquainted with ye reasons & argumts of ye Council & their Resolution thereupon; Ordered that accordingly they should be sent for.

And being come the Govr Informed them of the aforesaid Resolution, and laid the aforegoing reasons & argumts before them, Pressing them that seeing the Demands were such as in the Opinion of the Council could not with safety to the Government be Complied with, they would not any further Insist upon them, but laying aside all punctillois and Resentments, readily Discharge the Duty to which by the King's Dedimus they were called & Impowred, & yreupon the said Dedimus was tender'd to ym for their pusall, but they refused to touch with it unless it were intirely surrendred to ym & left in their Keeping.

Then the Govr desired to know whether, if the Council should notwithstanding all the Reasons alledged comply with their demands, however unreasonable, they would then administer the sd Oath as by the said Instrument required; to which J. Moore replied, that when the Instrument was delev'd up to them they should Consider what was ffitt for ym to doe; But the Govr pressing a more direct answer, and they Refusing to give any further satisfaction, they Departed and the Council adjourned,

At a Council held at Philadelphia, November the 15th, Anno Domini 1701.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esq., Lieutent. Governr.

Edward Shippen,	Griffith Owen,
John Guest,	Thomas Story,
William Clark,	

Some Things were debated, especially about Certain Dayes for the meeting of the Council, and the Road and broken Bridge Leading out of the north End of the Town, But nothing concluded, being to be ffurther Consider'd the next sitting of this Board.

Adjourned till third day next, in the morning.

At a Council held at Philadelphia, November the 18th, 1701.

PRESENT:

ANDREW HAMILTON, Lieutent. Govr.

Edward Shippen,	William Clark,
John Guest,	Thomas Story,
Griffith Owen,	Samuel ffinney.

The Last Post having brought some Packets in which there was one subscribed ffor his Majestie's Service, upon the Propry's Order that all such should be opened by the Govr & Council, the said Letter was accordingly Opened, & being read was found to Come from the Lords of Trade, &c., & Proved a Duplicate of what the Propry had received before, acknowledging the Receipt of Letters Recomending a Correspondence between the Govrs in America, & Requiring an acct of y^e Court Proceedings of this Government, & the Laws that have been revised according to y^e Propry's Promise; which Last

Clauses being Consider'd, it was Resolved, That an authentick Copy of the Law past the last Sessions of Assembly, at Philadelphia, Intituled an act for Establishing Courts of Judicature in this Province & Territories, should be sent over to England, under the Great Seal, by the first opportunity; also to Obviate some Objections that have been made against the Law of Marriage, Past at Newcastle, It is thought fitt that an authentick Copy from y^e Records of y^e Late Law past at Philadelphia, Repealing the fformer, should be also sent to y^e Propry, and that the whole Body of all y^e Laws now in fforce in this Government as soon as they can possibly be Transcribed under the Great Seal, as by the King's Letters Patentts to y^e Propry is Required, and a motion being made by the Master of the Rolls that for y^e Publick Benefit & more Genl. Information of the Inhabitants of this Government the Laws thereof now in fforce may be printed, It is Resolved, that notwithstanding the said Laws have not yet rec'd the King's Approbation, yet are binding on the People till Rejected, It will be highly Expedient for the Publick advantage and more ready administration of Justice, in the meantime, that the said Laws be printed: Provided, that the master of the Rolls (to whose care they are Committed ffrom time to time) to give Publick Notice of Every Law that shall be Either Rejected in England, or Repealed or altered here, which he Engages to doe, & yrfore Ordered, that the said master of the Rolls forthwith procure ym to be printed at his own Charge.

THE BRIDGE at the north end of the Town being broken down the last great Rain, and the Countrey much Incommoded thereby in being obstructed in their passage to and from the Town, It was laid before the Govr & Council that some effectual course might be taken to have the same redressed; upon which sevrall Persons concerned in the said Road appearing, part urged that the late Bridge might be repaired without any alteration, the mounder dike over the swamp having already Engaged the Countrey in a great Expence, & yrefore was not proper to be alter'd. Others alledged that the first laying the road that way was Indirect, & the Bridge Ever proved Expensive, being so low down & near the Creek's mouth. That, it being now Destroyed, the Road might be laid another way, about half way between the other Bridge and the Propry's Mill, which would Equally accommodate ffranckfort and the River's side with the other, and much the greater part of the Body of the County, & would by that meanes cast both Roads into one, which would be Easier maintained, both by requiring less Repairs, and those also would have many more hands to support it; which being heard & consider'd, It is Order'd that there be Seven Persons appointed of those that desire a new road, viz: Grf. Jones, John Goodson, Samll. Richardson, Nicholas Waln, Robert Heath, Daniell Pastorius & Arnold Castell; and seven other Persons, of those that stand for the Old Road, viz: Peter Deal, Thos. Parsons, Joseph ffisher, Benja. Duffield, Robt. Adams, Jno. Worral & Wm. Preston, who shall Confer together & measure, view & Consider both the old Road and the Place proposed for the new one, & Duly weighing together the General Conveniency

& Utility of yᵉ Inhabitants of that part of the County, make Report to this Board thereof, under their hands, on yᵉ Second day next.

A PETITION of John Cock was read, Complaining of a will ptended to be signed & Sealed by his Sister, the widow Jenner, lately deceased, but upon due Examination is said to be found not authentick, & yrefore Requests by his attorney to be heard,

Ordered, That the Register Genl. make Report to the Govr (Concerned in this as Ordinary) of the true State of the Case, upon which further answer shall be given.

And then adjourned till 2d day next, at 9 in the Morning.

At a Council held at Philadelphia, November the 24th, Anno Domini 1701.

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest,	Samuel Carpenter,
William Clark,	Griffith Owen,
Thomas Story,	

Upon the Debate and Question proposed at this Board at the Last Sitting thereof, about ffranckford Road and the Bridge at the End of the Town, It having been order'd that Seven Persons on Each side shall meet and make their report against this Day, which not being done nor the Order taken out, It is

Ordered, that a further day be given to make the Report, viz: Seventh day next, and that the Persons named meet to Confer according to Ordr on the 5th day next, at the Governr's Mill, at 10 of the Clock, and that if four of the said Persons on Each side sign the said Report, this Ordr shall be understood to be answered; and that instead of Robert Heath, named in the said Order, Thomas Godfry be appointed.

Adjourned to 7th day next, yᵉ 29th Instant.

At a Council held at Philadelphia, November the 29th, 1701.

PRESENT:

EDWARD SHIPPEN, President.

John Guest,	Griffith Owen,
Thomas Story,	Samuel ffinney,

The Persons appointed to view the Road and Bridge at yᵉ North end of the Town, & to bring in their Report this day to this Board, accordingly brought in the same, severally, each with their reasons, but wthout any agreement on the whole, whereupon It was ordered, that the matter be deffer'd till the Govr himself shall come from East

Jersey, and that Then, if he thinks ffitt the Govr & Council may ride out themselves to the Place, & Personally view it, that they may be more able to determine it for the General advantage of the People.

Ordered, that the Council shall meet the first third day of the week, (or Tuesday of Every Month,) and oftner as occasion shall require; but that because of the Govr's Absence, they be now adjourned to the ninth of December ensuing.

At a Council held at Philadelphia, ffebry the 3d, Anno Domini 1701.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Governr.

Edward Shippen,	Thomas Story,
John Guest,	Samuel Finney,
Samuel Carpenter	

An address to this Board from Edward Shippen, Nathan Stanbury, Isaac Norris and William Carter, assessors of the Proportion of the two thousand Pounds granted by act of Assembly to the Propry, which was laid on the Town & County of Philadelphia, was read, requesting, that Whereas Thomas Farmer, appointed Collecter of the said Tax for the said Town and County, has neglected the Discharge of his Duty therein, by reason of which neglect great part of the said money is yet unpaid, to the Disappointment of the Propry, and Dissatisfaction of many of the well affected Inhabitants of the said Town & County who had paid their respective shares, for Prevention of any further delay or Disappointment. The Govr & Council therefore, would, in Pursuance of the Directions of the sd act, be pleased to appoint William Tonge, under Sherif of the said Town & County, to Compleat y^e sd Collection, & be forthwth Obliged to Dispatch the same.

Ordered, that according to the sd Request, William Tongue fforthwith Proceed to Collect all the arrears of the said Tax upon the Town of Philadelphia, and that he give good Security for the Due Discharge of his Trust therein.

At a Council held at Philadelphia, April the Eighth, Ano Domi 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Governr.

Edward Shippen,	Samuel ffinney,
John Guest,	Samuel Carpenter,
Thomas Story,	Griffith Owen.

There having been, through a misunderstanding between the

Justices of the County and the magistrates of the City, a Stop put to the Collecting of the Levies for the Propry, which was Ord'd the last sessions of Council to be forthwith Dispatcht by William Tonge, because it was alledged by the Justices of the County that it would be of Greater authority and less subject to Disputes if the magistrates of the City, Instituted by vertue of the Propry's Charter, who have an extensive power as Justices of the Peace within the said City, Should Concur with the Justices of the County, in Signing the warrant for Levying the said Tax by Distress, & would better Obviate the apprehensions of some people, who Imagined that the Grant of the said Charter did in a great measure Disolve the Power of the Justices in & over the Inhabitants of the said Corporation, to which reasons it was objected in behalf of the magistrates of the Corporation, that the sd Tax was to be levied only by vertue of a Certain Law of this Government, which Law directed Such Warrts as should be Issued for Levying the said Tax by Distress, should be granted by one or more Justices of y^e Peace of the County where the Person Refusing to Pay should reside, and that the psent Magistrates of the sd Corporation are not such Justices as seem to have been Intended by y^e sd Law. That there was a Warrant already Signed by 4 Justices of y^e Peace, one of whom is an alderman of y^e sd Corporation, which warrant, according to the Directions of the said Laws, being already of Sufficient authority to putt the same in Execution, and that by it Distress has been already made, it needs no further Confirmation; all which being duly weighed & Consider'd, It is Resolved, that the sd Warrt being already signed by four Justices, one of whom is an alderman of the Confirmation, it is of sufficient & Effectual fforce, & therefore 'tis

Ordered, that the said Warrant be fforthwith Deliver'd to the Proper Officer to whom it is directed, & be immediately putt in Execution.

Ordered, that all affairs of pticular Persons, Cognizable before this Board, (not being the Publick affairs of y^e Govrment,) shall be brought in by Petition to y^e Govr & Council, deliv'd to y^e Secry or Clerk yreof, for wch he shall receive Six Shillings, & y^e Door Keeper or Messenger for every Petition one Shill. & Eight pence.

Upon a Petition Signed by 3 of y^e Justices of y^e County of Bucks, that a Road now used and practised, leading from the King's road ending at the falls of Delaware, to y^e upper Plantations, Scituate higher upon and near the said River, has never yet been duly Surveyed, should be now Survey'd and Confirm'd by an Order of this Board, for the greater Security of those that use the same.

Ordered, That the Justices of the said County appoint proper Persons to survey & lay out the said Road, whose survey being by ym approved, that y^e sd Justices make Return of the same to this Board for their approbation.

At a Council held at Philadelphia, April the 21st, Anno Domini 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Govr.

Edward Shippen,	Thomas Story,
John Guest,	Griffith Owen,
Saml. Carpenter,	Samll. ffinney,
William Clark,	Caleb Pusey.

The Governr Informed the Board That he had been given to understand that the Propry, before his departure, had proposed & Intended John ffinney, eldest Son of Capt. Samll. ffinney, now Resident of the County of Chester, to be admitted a member of Council of this Government, upon which It was proposed to the Council & thereupon Order'd, that the sd John ffinney Should be fforthwith addmitted, & accordingly

The Said John ffinney was admitted and took the Several Oaths Injoyned to be taken by officers in Government, and the attestation of a member of Council, & thereupon took a Chair at the Board.

Adjourned to 2 in y^e^ afternoon.

The Same day Ja. Logan, Secretary, was admitted and qualified as a member of Council; and this is y^e^ reason why he is in y^e^ Subsequent minutes sometimes named as a member & sometimes omitted untill y^e^ arrival of Govr Evans, the 2d day of febry 1703-4, at Philadia. Roger Mompesson Esq., was called on y^e^ 7th day afternoon; the Proprietor's son,and y^e^ said Secretary were called and formally admitted y^e^ next morning, febry 8th, 1703-4.—added this 12th of June, 1747.

At a Council held at Philadia, April 21st, 1702, P. M.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Governr.

John Guest,	Samll. ffinney,
Samll. Carpenter,	Caleb Pusey,
Willm. Clark,	John ffinney.

The Govr acquainted the Board That, Whereas upon his Entrance into the Government he had proposed to three of the Commissioners named in the King's Dedimus Potestatem, under the great Seal of England, for administring the Oath appointed by act of Parliament ffor the better security of the Plantation Trade, to the Govr of this Province ffor the time being, that according to the Tenour of the said Instrument they would administer it to him upon the Propry's Comission of Deputation, but that they had Refused unless they could be gratified in certain Demands, wch not only then were in the opinion of yᵉ Council, Judged unreasonable, but that Since he had procured the opinion of Judge atwood, appointed by Comission from the King, Chief Justice of the Governmt of NewYork, upon the Case, who had declared that as he Conceived the Dedimus ought to be Kept in the Secry's Office, or such other place as has been used for preserving publick Records, wch yᵉ sd Judge had given under his hand, and that for the further Satisfacion of some, he had also the opinion of one of the most Eminent Council of the Province of Maryland, who Concurred with the said Chief Justice in yᵉ same;

But that, having upon their said Refusal deferr'd taking the said Oath till the time Limitted in the act of Parliament and Dedimus Potestatem was near Expiring, He was now under a Necessity of taking it by such other meanes as should be found agreeable to the Tenour of the said Instrument, & therefore desired to take it at the hands of Such of the Council as in their Consciences were free to administer an oath;

And accordingly John Guest, Capt. ffinney & John ffinney, together with John Bewly, Collr. of the King's Customs ffor the Port of Philadelphia, Administred yᵉ sd Oath in the Presence of the other members of Councel, who subscribed as witnesses to a Certificate Indorsed on the sd Instrument, in the ffollowing words, vizt. In Pursuance & by virtue of the within Instrument, Andrew Hamilton, Esqr., Deputed Governr of the Province of Pensylvania and Counties Annexed, by virtue of a Commission from the Honeble William Penn, Propry & Governr of the said Province, &c., At a Council held at Philadelphia, the 21st day of April, 1702, took the within Directed Oath at the hands of John Guest, Samll. ffinney, Esqrs., members of Council for yᵉ sd Province & Terrs., & John Bewly, Esqr., Collr. of Her Majtie's Customs for the Port of Philadelphia, in the Prsence of the othr members of yᵉ sd Council, hereunto subscribing.

Saml. Carpenter,	John Guest,
William Clark,	Samll. ffinney,
Caleb Pusey,	John ffinney,
	John Bewley, Collr.

At a Council held at Philadia, July the 1st, Anno Dom 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Govr.

Edward Shippen,	Thomas Story,
Samll. Carpenter,	James Logan.

The Assembly Genl. being prorogued to this Inst., and there being no urgent occasion ffor which they should meet, the Govr with advice of the Council thinks ffitt further to Prorogue the same to the 20th of the 6th month next, and to yᵉ same time is prorogued, & thereupon 'tis Ord'd, that a Proclamation be fforthwith drawn for Proroguing it accordingly.

At a Council held at Philadia, July the 5th, 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr. Lieutent. Govr.

Edward Shippen,
John Guest,
Samuel Carpenter,
Samuel ffinney,
Thomas Story,

The Govr Informed the Board that Certain advice of the King's Death, with Ordrs thereupon to proclaim Princess Ann of Denmark, Queen of England, &c., being arrived in all the neighbouring Govmts; also a Certain acct of war being proclaimed in England agst ffrance & Spain, and also ordrs arrived at Boston in New England to Proclaim the war there, with Packets to the Govr of New York to the same Effect; But that there being, by some miscarriage, No orders yet arrived to Proclaim the Queen here, many Inconveniencies are likely to Ensue should the sd Proclamation be deferred, & Especially that the English Dominions be now Engaged in a War, the Govr thinks himself obliged to invite such of the people as are inclin'd to it to Inlist themselves and form a militia, that all ptences of want of Defence may be removed, wch cannot be done but in yᵉ Queen's name, & therefore 'tis necessary she should be first proclaimed.

Resolved, Thereupon, That Princess Ann, of Denmark, be Proclaimed Queen of England, &c., in this City of Philadelphia, the Tenth Instant, at yᵉ most Publick Places, about Eleven in the morning, after the same form and manner as has been pformed in the neighbouring Collonies, & to answer all objections, if any should arise, Concerning the Continuance of Commissions upon the demise of the King, notwithstanding the King's sd Demise be not Judged to vacate Commissions under the Royal Charter to the Propry, as in Govrmts more imediately under the Crown, Yet that the Queen's Proclamation for Continuing all Offices for 6 months after the King's Decease, be read after the Queen is Proclaimed.

Complaint being made That there has been hitherto great remissness in the officers appointed to Collect the Tax of 2000 £s. granted to the Propry, And the Causes being Inquired into, 'tis Order'd, That notice be once more given to yᵉ Collectors of Philadia County, and of the rest of the Counties, forthwith to discharge their Duty in the offices they have undertaken, or that they forthwith incur the Penalty Inflicted by Law, & others be appointed in their stead.

Adjourned of Course.

At a Councill held at Philadia, 7ber, y^e^ 17th, 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr., Lieutent. Governr.

Edwd. Shippen,	Tho. Story,
Judge Guest,	Capt. ffinney,
Samll. Carpenter,	James Logan,

Information being given to this board by Silvester Garland, an Indian Trader of Newcastle, that half a dozen Indians called Tackwheetap & Posackaselt, two of ym of Delaware and the rest of Conestogoe, on Sasquehannah, who had Lately return'd from the Southwds from hunting, were seen at y^e^ sd Conestogoe with several pts of women's attire, viz: a Petticoat, White silk hood, Lace, &c., about them, and that upon a certain Occasion they Expressed themselves as if they had murder'd the persons from whom they had taken them; It was Consulted what method of Inquiry or process should be taken with y^e^ said Indians, Seeing they were by their Several Treaties obliged to be answerable to the English for what Injuries or outrages they should Committ against them, and it was Resolved, that a Message with an Interpter was necessary in the ffirst place to be sent, but there being no Interpreter of that Language to be ffound who could be depended on for such a Service till Harry the Indian should return, who was gone to y^e^ Onondagoes, & every day expected back again, It was further Resolved, the whole should be deferr'd untill the said Harry's return, upon wch a full Inquiry should be made, and y^e^ Treaty wth y^e^ Conestogoe Indians renewed and strengthened. In y^e^ meantime 'tis Expected that y^e^ Govmt of Maryland, who seems nearlier Concern'd & has had Earlier Information, will make Inquiry also.

Complaint was made to this Board that the Collector of the Proportion of the two thousand pounds, granted by y^e^ assembly to the Propry, laid on the County of Chester and y^e^ sd Hollingsworth, by vertue of this Ordr, in Pursuance of the said Law, is fully Impowr'd according to the Tenour thereof to collect y^e^ Same.

adjoured of Course.

At a Council held at Philadia, 8ber, y^e^ 14th, 1702.

PRESENT:

The Hone'ble ANDREW HAMILTON, Esqr. Lieutent. Govr.

Edward Shippen,	Thomas Story,
John Guest,	Capt. ffinney,
Saml. Carpenter,	Caleb Pusey,
	James Logan, Secry.

The Disunion to wch y^e^ Repsentatives seem'd yesterday Inclin'd, appearing at this juncture to be of the highest Consequence, both in

Relation to yͤ Propry at home and the Prosperity of Trade here, The Board Spent some hours in Considering meanes to Divert it. Several Papers sent over by yͤ Propry from England were read, containing Divers Informations and accusations against this Govrmt; & in Regard to yͤ first 'tis Resolved, That the Judges may & ought to appoint some other suitable Person to Prosecute the sd Criminals, in behalf of the Queen pro hac vice, and that Justice ought no longer to be delayed as it too long has been, but be forthwith administred, according to the Lawes of this Government, by wch alone, while they are in fforce, all officers of the Govrmt can & must act, and by them must be defended.

With the Propry's Answer, Quary's Reply and the Propry's Rejoinder in Several heads, which accusations appearing to be in several parts, 'tis Order'd, that full answers be drawn up to yͤ sd accusations, to be Transmitted to yͤ Propry.

WHEREAS, the Representatives who yesterday appeared, desired That such attestations might be administred to them as might qualify them for the Service for wch they were Elected, Their Request being debated, 'tis Resolved, that such qualifications is both unusual & improper till they shall be in a Condition to Enter upon business, wch now they cannot.

Ordered, that the Papers this day Read at this Board, be communicated to the Representatives at two in the afternoon, and that the Conference be deferr'd till yͤ 3d hour, to which time the Council is adjourn'd.

POST MERIDIEM, hora 3a.

Iidem qui antea, Capt. ffinney excepted.

The Repsentatives having perused the Papers sent to them by Ordr, Returned ym again to yͤ Board, but because they were not yet in a Condition to act, declared they could not take such notice of ym as otherwise they would be Inclined to doe.

The sd Repsent's presenting ym selves for yͤ Conference appointed the Govr, in Relation to the Request they had made yesterday that they might proceed according to the Charter of Privileges, that is to say, that yͤ Province Separating themselves from yͤ Lower Counties, Seeing they would not meet ym, the number of Repsentatv's for Each County in the Province should be advanced to Eight, first Represented the many Inconveniencies that might ensue to yͤ Prov by a Separacon, as that Tobaccoes being Chiefly their Product & our Principal Returns in Trade to England, should they be Separated & become distinct from us, that Traffick would be so Clogg'd & Incumbred that it would be wholly lost to us; that it appeared by the Paper they had Read, the Propry's Right to the said Counties was under Dispute in England, and that their Inhabitants being affected, upon the Provinces raising themselves into a Distinct assembly would in probability remonstrate to the Queen, that having hitherto been under the Govrmt of Pensilvania they were now Rejected & thrown off, & so became utterly destitute of all fform of Govrmt; & yrefore would pray the Queen to take them into her imediate Protection, which would be the readiest meanes utterly to defeat the Propry of what he was endeavouring for in Relacon to them in England. That the Propry had psented to y^e Queen a memorial for her approbation of y^e Lt. Govr, the Result of which (as by his Letter he declared) he Speedily expected to hear wth approbation, because the Lower Counties were under Dispute, & y^e Inclinations of y^e Court were now to weaken as much as they could, rather then to Strengthen Proprietary Claimes: 'twas very probable, would come to the Govr of Pensilvania alone, wch would Compleat their Desire Effectually and become the act of the Queen herself, and the Province be Exempt from blame. Upon all which the Govr told them, He Judged it would be prudent in them to Defer their application for a Separation till those matters were brought to some Issue, & till we could hear ffurther of them from England.

The Govr ffurther added that Seeing the Election & Sitting of the Assembly was to be by Charter, wch Requir'd the first to be on the first of October & the last on the 14 of the same month, he could not see how an addition could be made to the number, as they desired, till the first of October should return in Course again, To all wch some of the Chief of the said Representv's replied that the Royal Grant from the King to the Propry was only for the Province bounded 12 miles northwds of Newcastle, that it was on that Grant or Charter only the Severall first Purchasers of Land from y^e Propry embarqued, & that they Expected the Privileges for it accordingly, That they had alwayes hitherto by being Yoked with the Lower Counties instead of Enjoying the Liberties they expected and Confused, so that nothing for the Provinces and their Real Good could Ever be advanced, That they had long groaned under the hardship of it, and now an opportunity by the Propry's Grant being putt into their hands to ease ymselves of those troubles they Judged themselves obliged to make use of it for their own Safety & Quiet for y^e future, that Delayes might at this Juncture prove Dangerous, Revolutions and Changes having often so unexpectedly Come upon Govmts of wch even this was once an Instance by Coll. ffletcher, & therefore they requested they might not be deferr'd; for y^e Encreasing y^e number might properly be done by y^e Govr's writts and there could lie no difficulty there.

But the Govr still pressing to the Representv's the unreasonableness of such a Rupture upon the Several arguments aforesaid, and that there could not possibly be any danger of Deferring their application for some time, especially till they could find a meanes to doe it more honourably & with less blame from the Lower Counties, who would Complain they were thrown off without notice or warning. The whole was further discoursed and at Length concluded that a free Conference between the members of Council only & the said Representatives should be appointed, & accordingly it was appointed to be held that Evening, upon wch the Reprs withdrew.

And the Board Entring into Consideration what heads would be chiefly necessary to be debated & was argumts used, it was

Resolved, that y^e^ members of Council who were to manage at y^e^ sd Conferance should propose, that whereas the members of y^e^ Lower Counties, in the Last Assembly when the Propry Granted y^e^ sd Charter, seem not to regard or accept of it, for wch reason 'tis most Probable they had made no Election; and Whereas, some persons of the said Counties, since the Province has Elected, have Declared that had Writts been sent to their Sherifs as is usual, they would have elected together with the Province, to the end it may not appear that the Province doth designedly throw off & Separate themselves from the said Counties,without any Cause given on their sides, it will therefore be highly for the Justification of the Province, (should they proceed,) as well as Justice to the said Counties, that they have an opportunity of appearing Given them, that measures may be better concerted, and that Should they refuse or neglect to send up members, the Province will then be Clear, and that from hence no manner of Inconveniency can be imagined to Ensue for so small a time as may be sufficient to Issue writts, appoint a time of Eleccon, & Know their Resolutions; and further that the members of Council press with all Earnestness the arguments that have before been used, & Endeavour to convince them that notwithstanding the Practises of some, who appearing their ffrds, should Impose upon them and Lead them to Confusion, the Govr & Council neither have, nor possibly can have any other scope in these debates with them, than their truest and most real advantage, all being embarqued on the same bottom, & then adjourned till ten in the morning.

At a Council held at Philadia, 8ber the 16th, 1702.

PRESENT:

ANDREW HAMILTON Esqr., Lieutent. Govr.

Edward Shippen,	Thomas Story,
John Guest,	Caleb Pusey,
Saml. Carpenter,	James Logan, Secry.

Those members of this Board, who according to the Ordr of Yesterday,had Conferr'd with the Rep'statives Concerning the Effects that might ensue upon a Separation, Reported to the Governor and other members of the Board, that in Pursuance of the said Order they had a Conference with the Rep'sentatives, seemed willing further to Deliberate upon what was proposed when all mett together.

This Board entered further into the Consideration of what measures Could be taken to p'vent a Separation, upon wch having spent, some time it was at Length resolved to leave y^e^ whole till it should appear wt y^e^ Rep'sves would propose or conclude on.

that might ensue upon a Separation Reported to the Governour, and the other members of the Board that in Pursuance of the said Ordr, they had a Conference with the Repsentatives, seemed willing further to Deliberate upon what was Proposed when all mett together.

This Board entered further into the Consideration of what measures Could be taken to pvent a Separation, upon wch having spent some, it was at Length resolved to leave y^e^ whole till it should appear wt y^e^ Repstves would propose or Conclude on.

POST MERIDIAN.

A Message from y^e^ Reprs desired to know when they might be recd to wait upon the Governr, to wch answer was given that they might forthwith.

The Representatives Elected to serve in assembly for the Province, appeared before the Govr and Council, and in Return to the argumts used & y^e^ Proposals made to ym by the members of Council, Joseph Growdon, in the name of y^e^ rest, declared:

That having spent some further time in Consideration of what had been proposed to them y^e^ Reps had come to this further Resolution, vizt. That the Province and Territories having long acted in Conjunction, and the Charter wch Impowered them to Separate being new and not yet sufficiently proved, yrefore they were of opinion & had Resolved that it would be safer to take some further time to deliberate upon it, and thereupon do request y^e^ Governr that they might be adjourned for a month or the like space, for an Opportunity to Know the minds of those that had chosen & sent them.

The Govr, with the Council, approved their Request, but desired to know whether this was offerred in Complyance with the Proposal made to them, viz: that there might be time Given for an Opportunity of Calling the Lower Counties by writts to act in Conjunction with them, But waving the Question, They replied, That what upon mature Consideration they had Concluded on they had now Deliver'd, & had not agreed to say any thing further on that head, That it was not proper for ym to Consult or direct what Methods were most adviseable for y^e^ Govr in that case, to take.

They Only had to Request that they might have Liberty to Defer their sitting for a month Longer, or as the Govr should think ffitt not much exceeding that time, With which the Govr Concurring he was Pleased to Dismiss them at Philadelphia, y^e^ 16th of y^e^ 9th moth Ensuing. And thereupon it was Ordered that writts should be fforthwth Issued to y^e^ Sherifs of y^e^ 3 Lower Counties to Elect 4 members for Each County on the 2d of y^e^ 9th moth next to meet at Philadia the 16th day aforesaid, & by advice of y^e^ Board a form of a writt was Prepared & then adjourned to y^e^ said day.

At a Council held at Philadia, November the 16th, 1702

PRESENT:

ANDREW HAMILTON, Esqr. Lieutent Governour.

Edward Shippen,	Tho. Story,
Saml. Carpenter,	Capt. ffinney,
William Clark,	Jam. Logan, Secry.

The Govr Informed the Board that such of the members of the Lower Counties, chosen in Pursuance of his writts, as were come to Town, had made their appearance before him this afternoon, and that upon Discourse with them they had given it as their Sentimts that they could by no meanes at this Time Sitt in Conjunction with the Repsentves Chosen by y^e Province, the sd Repsentvs being Chosen by vertue of a Charter, but they of y^e Lower Counties, by writts a Considerable Time after to wch y^e Govr having Answrd that this Proceeded only from their neglect of Electing at the time the Province had done in Pursuance of the Charter of Privileges.

They Replied & Insisted that the sd Charter was never recevd by y^e members of y^e Lower Counties, & yrefore they thought themselves no ways affected with it; That they not having recd it, It could not be Expected they would elect in Pursuance of what was of no force among them, & that he had told them it was signed by Jos. Growdon, Speaker, by Ordr of the House, of wch they being a part it was equally Obligatory upon them as the rest, but they answered that the Speaker signed that Charter at y^e Council Board, & therefore they were no house at that time nor could he sign it by their Order till such; moreover that those members of y$_e$ Lower Counties who attended with them withdrew at the Proposal of y^e sd Charter, & yrefore were not concerned wth it.

The Govr added that he had used many arguments with them to shew their mistakes as to their first Objections of being called different wayes, But as to y^e other being matter of ffact he could say nothing to it more than that he believed that Jos. Growdon, y^e Speaker, could not be guilty of so ill a thing as to sign fully in the name of y^e house what he had no Ordrs for.

All which being Discoursed of, It was at Length Resolved, That a message should be sent to the Repsent's mett at Samll. Peres's, to Desire their attendance on y^e Govr, and after some Delay Those of the Province appeared, but none of y^e Territorrs, of which the Govr Enquired the Reason.

David Lloyd Informed that when the two Repstives were sent by ym of the Province to Inform the Govr & Council that both those of the Province & Territories were ready, they were then met at Samuel Pere's, but when the message Came from the Govr they were withdrawn, that the said Reps of the Province had sent two members to those of the Territories, viz: Griffith Jones and John Swift, to Inform them that the Govr desired their attendance, but that they being withdrawn sent this answer:

That they had Since their arrival in Town, waited on the Govr & also waited ffor his Commands for some time, in Company with those of the Province, But that they had now withdrawn to refresh themselves, and would to morrow wait on the Govr if there were occasion, upon wch those of the Province thinking ymselves Obliged to it, appeared without them.

Several Discourses concerning the said message and answer past, wch held some Considerable time.

It was proposed that Seeing they were as yet in no order, nor could be called a house, and their Discourses could not be of any effect till otherwise Regulated, the Govr would be pleased to adjourn them till to morrow to meet those of the Lower Counties at a Convenient hour.

D. Lloyd objected agst the word adjourn, for the Charter Impowering them to Sitt and meet by their own adjournments, they would betray their trusts should they admitt of any other adjournment; Twas answered they might when they were made a house, but as yet they could not, & therefore in such cases, in New York & the other places, 'twas usual for the Govr to adjourn the Repts when mett, but not in a sufficient number.

He added That they Knew not what they would have to doe with the said Members of y^e Lower Counties. They of the Province were mett by Charter, and the others by writts; that therefore in his Opinion they could not Joyn, they had mett a month agoe and desired to be qualified, but were not yet to this minute.

Griffith Jones Replied that they were yet but a part, and till they were a Sufficient number they could neither be qualified nor act in any case, with many other arguments.

The Govr desired they should meet him to morrow at ten a Clock, & so they departed.

A Message was Sent to the members of the Lower Counties to Desire that they would Likewise attend on the Govr at the same hour

Adjourned.

At a Council held at Philadelphia, November the 17th, Ano. Di. 1702.

The Representatives of both Province and Territories meeting according to appointment, The Govr told them That Yesterday, not having an Opportunity to speak to them altogether, he Deferred it to this Day, and that perceiving The Lower County Members were of opinion that they could not act because elected by different meanes, (to which he had then answered.) He this morning recollecting his thoughts, Judged it necessary to give them his reasons altogether more ffully, wch he had put in writing and was read to y^e same effect with what he had discoursed to them.

Which having read, the Govr added that those reasons Seemed weighty and of importance to him, & therefore desired they would all goe together, and by conferring about what had been said or objected endeavour to settle the whole, & if possible come to an agreemt.

D. Lloyd answered it would be first necessary to know whether the members of the Lower Counties would be willing to spend so much time with them, if so, he supposed none of the Province would be against it, he further wth this desired that they might have the Charter of Privileges & a Writt.

Joseph Growdon or Jasper Yeates, Sd He was of opinion they could not confer together as an Assembly, Not being yet formed into one, To which the Govr agreed, but Replied they might Confer as Representatives of the People; Da. Lloyd—That doubtless in yeir psent Circumstances they were a Convention; T. Story—That they might act Even as an assembly in his Judgemt.

To wch Robert ffrench answrd, he thought they could by no meanes, but things looked, he added, as if they of y^e L. Counties were called only ffor a more plausible Excuse to the Province to Separate. But that he thought it would be no wayes expedient, for as they had hitherto born y^e burthen of the day without any profit to themselves. It was reasonable if any advantages were to be reaped for y^e future, they of the Lower Counties ought to be Sharers.

Some Offering to Continue the Discourse, It was moved that the Govr having told them what he then had to say it was proper to withdraw.

D. Lloyd moved That if some ffitt psons of y^e Council would joyn them in their Consultations it might be of Service.

It being again moved by Gr. Jones, & others, that they should withdraw, the Govr left to themselves a Place to sitt in, in taking of which some small time being spent, and the Charter & a writt of Election Returned from Kent being delevd to D. Lloyd they withdrew.

The Council Spent some time in Discourse about y^e Occasions of an assembly at psent, & of an established Militia in Genl members of assembly.

Ordd that some members of the Council, E. S. S. C. & Tho. Story should joyn according to Request & yn adjourned to 3 in the afternoon.

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At a Council held at Philadia, November the 17th, Post merid: hora 3a.

PRESENT:

The Honeble ANDREW HAMILTON, Esqr., Lieutent Governour.

E. Shippen,	Thomas Story,
Samuel Carpenter,	Caleb Pusey,
William Clark,	James Logan.

Joseph Growdon, Dd. LLoyd, Robt. ffrench, & Jaspr Yeats, by Ordr & in ye name of y^e Rest of the Repsentavs, appearing before the Govr and Council, Jos. Growdon Spoke to this effect: That the Assembly by whose order they appeared at this Board, having taken what had been discoursed and was proposed into Consideration, they could not find the way clear for them to proceed or act in Legislation together, because of the Objections that before have been started, That the members of the Province were willing to Proceed to Business, But those of the Lower Counties were of opinion they could not Joyn with them on the ffoot they now were, without Betraying their Privileges, and Consenting to now, what they had expressly before refused, vizt: the Charter; However they had thought it would be requisite of the Govr to Inform them what he had to Lay before them, that in Case it should appear to be of great moment & Importance, the Consideration of that might prompt them to find out some meanes of Agreement, So far as to be in a Condition to answer it, for they hoped that notwithstanding the state of things appeared some what Dark to ym at Present, Yet they should not be wanting in Loyalty to the Queen & Service to ye Propry & Govmt In any thing where Necessity Exacted it of them, but wou'd strain a point & over their Resentmts Joyn so far together as to suffer nothing of that Kind to be neglected.

To wch ye Govr answd: That he had two things Chiefly to lay before them: One was the Commands of the Queen to him by my Ld Cornbury, in a Letter wch he had recd the Last Post, wch Letter he delevd to Joseph Growdon to be read and Communicated to ye rest of the members; the other the naked & defenceless State of the Province, which laying open and Exposed to the attacks & Insults of the Enemy in this time of War, both by sea and by Land, would require a Speedy Care, & that it might be taken into Consideration by what meanes they might putt themselves into the best Posture of Defence for their own preservation & Security; wch two heads he looked upon to be of that Importance, as would require their most mature and deliberate Consideration, & therefore, as such was, to recommend them to them, and further added that the Brigantine Messenger, being now in the River from England, she might bring news that would give them further Light into the psent affairs.

Upon wch some Discourses foreign to their Express message arising, D. Lloyd repeated ye Substance of it & moved that having the Govrs answer they had nothing Else to offer, & thereupon they withdrew, & ye Council adjourned till to morrow at 9 in the morning.

At a Council held at Philadelphia, November the Eighteenth, Ano Di. 1702.

PRESENT:

The Honeble **ANDREW HAMILTON**, Esqr. Lt Govr.

John Guest,	Tho. Story,
Samll. Carpenter,	Caleb Pusey,
William Clark,	James Logan, Secry.

The Council mett, & after several Discourses on the main Subject, adjourned till 3 in the afternoon, the Representatvs not meeting this forenoon.

What the Govr had last night Verbally Discoursed the members, this morning he more fully put in writing & Sent to the Reps's by Judge Guest.

To The Repsentatives of the Province of Pennsilvania and Territories annexed :

What I have Chiefly, Gentlemen, to Recommend to you, is the Providing against what may annoy us by Land or by Sea.

The Greatest Danger we seem to be in by Land is from the ffrench and their Indians of Canada, and y^e likeliest method to prevent harm from that Quarter is to Joyn with our neighbours of New York in fortifying y^e Frontiers at Albany, and some out passes near it, which the Late King looked upon so necessary to be fortified, that he not only Enjoyned a Quota upon the Several Collonies in North America to assist in it, but Largely Contributed towards it himself, And which now My Ld Cornbury, Governour of New York, Calls for as appears by his Letter now laid before You ; no wise enemy as the ffrench is, will adventure to run unto y^e heart of a Countrey & Leave Garrisons behind them Capable of Cutting of their retreat, and it will neither be safe nor Reputable for this Govmt to lett y^e whole Burthen lye upon New York, seeing we are Embarqu'd with them in y^e same Bottom, & must ffall under the like if y^e Enemy should Possess ym Selves of y^e ffrontiers, ffor want of Timely assistance.

As assisting New York in making ffortifications in proper places, is a Likely way to secure us from that Quarter, so there is also a necessity of Providing against Surprize nearer home, & Invasions by sea ; when we are known to be in a posture of Defence an Enemy will be Warie how they attacque us. The meanes, under God, used in other Colonies is by Law to Establish a Militia, wch is also necessary to be by Law Established in this Province & Territories, nor will (I hope) those of the Assembly who profess themselves under a Religious Tye not to bear arms, be a Barr to others not only have a freedom but think it their duty to put the Inhabitants in a posture, under God, to Protect themselves from an unlawful force. The Golden Rule in this Case ought to be the Standard, ffor if those who profess themselves under a scruple to bear arms would think it a hardship to be fforced to it, so (I hope) they'll also think it one to Invade the principles of others by Disabling them to Effect what they in Conscience ought to do, wch is to Provide, under God, for y^e Defence of y^e Inhabitants against the insults of an Enemy.

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POST MERIDIEM, Idem qui antea.

Griffith Jones & Richd. Halliwell, by ordr of the rest of the Reps attended this board, desiring to know of y^e Govr whether the Ship Messenger that was mencon'd Yesterday, & is now arrived, had brought any advices concerning the Govrmt that were Comunicable to y^e sd Repsents, if so, that according to the Govrs proposal Yesterday they might be imparted to them.

To Which the Govr answrd She had brought none to him, nor had he recevd one Line from England, all the Letters from y^e^ Propr being sent, as he was Informed by the Ship Experiment that had Sailed ten dayes before her & thereupon they withdrew.

A message from y^e^ Reps desiring to know when they might wait upon y^e^ Govr, to which answer was made, forthwith if they pleased.

The Body of Repsentvs attended the Govr, and Jos. Growdon, in behalf of them all, said they humbly craved Leave to inform the Govrnr that they could find no method to form themselves into an Assembly, the same stops & objections still lying in the way, which they could by no meanes Sett over.

To which the Govr replied That by this answer he was to understand they did not Judge the heads he had laid before them to be of any great importance, Seeing Yesterday four of their Chief members in y^e^ name of the rest had in a message declared, That in Case they could see the affairs the Govr had to lay before them were of so much weight or Exigency they would strain a point and find out some method to act together so far as to answer them.

They Returned that y^e^ heads proposed were Judged by them all to be of very great importance, yet notwithstanding they could find no meanes of agreemt, So as to form an Assembly on y^e^ Sevrall Bottoms they were elected.

Some of the Prov declared that all those of y^e^ upper Counties were willing to joyn with those of y^e^ Lower, and so proceed to business.

9ber 18th. Jasp. Yeats, in behalf of the Lower Counties, declared that they were all extreamly willing to Enter upon the Consideration of the heads proposed to them, and answer the Queen & Govrs desires, in case they could be all Legally Elected by Writts, But as things now stand they could not, for should they act in conjunction with those of y^e^ Prov it would necessarily Imply their owning the Charter, wch they by no meanes could. The Writt (he said) by wch they were chosen being grounded on the said Charter, Besides; That affairs relating to them being upon the anvil at home, (In England,) they thought it would be better if they were deferred till it were seen how they should be settled there.

The Govr answered He had Discharged his part to his utmost & acted as became him, That they had several times complained for want of being putt in a posture of Defence, that he had used his Endeavours, and if they would themselves be deficient, It must lie at their own doors & yrefore hoped they would complain no more.

That as to what he mentioned of things being on the anvil at home, He was of Opinion No Governr that should succeed him, would take it ill to see provision made for y^e^ Defence of the Countrey, before his time. and that necessity requiring their Care at present, it was now their Incumbent Duty to Consider it with the earnestness & application.

The members of the Lower Counties excused themselves by declaring their Readiness at all times to comply with the Queens

Commands, or whatever might be for yᵉ publick Good & Safety, & hoped they had or might upon occasion sufficiently make it appear.

The Govr still Insisted That words or Professions would not suffice, That now they had an opportunity of giving proofs of what they profest, but to stave it off by pretences that seemed to him as well as yᵉ Council altogether vain and Groundless was a bad demonstration of what they had declared, and that it seemed Playing with Business first to promise they would Even strain a point and find out some method to proceed, if what was to be laid before them were of great Importance & yn Confessing it was of the highest, yet to lay it aside under pretence of not agreeing, because of the Several Methods they were called by, after wch they were ordered to withdraw into the next room till the Govr with the Council might have time further to consider of it.

The Repsents accordingly withdrew, and the Board Entering into Debate of what was fitt to be done, but finding they should not have sufficient Time while the Represents were attending, a message was sent to Inform them that they should hear further from the Govr to morrow, and that at psent they might Depart.

The Govr & Council Entring further into the Consideration of what this Exigency Required to be done, It was first Resolved,

That the Representatives of Both the Province and Territories were Legally Elected, as far as appeared to this board those of the Province being duly Elected by the Charter, and the Terr's. having Omitted their Duty on yᵉ Day, were Legally chosen by a writt and had appeared.

That those writts being grounded on the Charter, and the People having elected by them, the Terr's had in that so far Recognized the Charter, and might very well now proceed to business as well as elect before.

That in Case they will not by any meanes agree to proceed, They Should be prorogued for some Convenient time.

That Questions be proposed to ym in Writing, to be answd positively under their hands, whether they would act jointly or not, and then adjourned to 9 in yᵉ morning.

At a Council held at Philadelphia, November the 19th, Anno Di. 1702.

PRESENT:

the Honeble Andrew Hamilton Esqr., Lieutent Governour.

Edward Shippen,	Willm. Clark,
John Guest,	Tho. Story,
Saml. Carpenter,	Caleb Pusey,
	James Logan, Secry.

The Council being mett, entred ffurther into yᵉ Consideration of

y^e answers given last night by y^e members of Both Province & Territories, and of their own Resolution, of sending certain Questions to be answ'd in writing; Ordered that y^e following 3 quests be sent in these words vizt:

The Reps for the Province and Terrs. of Pensilvania, now concerned, are desired by the Govr. & Council, to answer the following Questions under their hands, as they severally relate to ym:

1st. Are the Repsentatives of y^e Province willing or not to Joyn with the members of y^e Lower Counties in one Assembly, on the ffoot they are now respectively Called:

2ndly. Are the members of y^e Lower Counties, willing or not willing to Joyn with those of y^e Province, on the ffoot they are now respectively call'd.

3dly. What methods do those that refuse, (if either doe,) propose for the fforming of an Assembly to prevent the Govrmt Suffering for want of one, when affairs of such Importance as have been proposed require their Imediate Service.

Which Questions were sent accordingly.

A Message from the Rep's. Returned the foregoing Questions desiring they might be sent on distinct papers and signed, as y^e Council usually Sign things Issued by their Order.

Ordered thereupon, that y^e Questions be drawn out accordingly on Several papers, & Signed by y^e Secry as Clerk of y^e Council, by their Ordr, as has been usual; which was accordingly done & sent in 3 sevll papers, & yn adjourned till 3 in y^e afternoon.

Hora 3tia, Present Iidem qui antea.

The Representatives of both Province and Territories, after some considerable stay, at Length by a message, desired to know of the Governour and Council, when they might attend: To which Answer was made forthwith if they were ready.

Accordingly they came, and Joseph Growdon, in the name of the rest acquainted the Govr that they had the Questions sent to them by Ordr of Council, and having maturely Considered them, they of the Province and those of the Territories Distinctly, they had severally drawn up their answers in writing, wch they gave in, and that of the Province was first Read in these words:

We, The Representatives of the Freemen of the Province of Pensilvania, are both willing and Desirous to Proceed in Ordr to act in Assembly, according to the Direction of the Charter, Being the foot on which we concive ourselves called and Convened. Witness our hands the day and year first above written.

Andrew Job,	David Lloyd,	Griffith Jones,
Nicholas Pyle,	Antho Morris,	John Swift,
John Warrall,	Jer Langhorn,	Willm Paxon.
John Bennett,	Joseph Growdon,	

Those of the Lower Counties also presented theirs in the following words:

Philadelphia, November 19th, 1702.

The answer to two propositions sent to the members of the three Lower Counties by order of the Governour and Council.

The said members finding they are called here on a different foot with those of the upper Counties cannot, if there was no other obstacle, joyn with them in Legislation, But are cheerful and willing when warrantably convened to proceed in Assembly to answer her majesties Commands, & such other matters of Importance as shall then be laid before them, though they'll not psume to direct the Governmt in what methods to convene them, they supposing it not their business but that of those who rule over them.

Signed Robt. ffrench, Richard Halliwell, Jasper Yeats, Evan Jones, Thomas Sharp, John ffoster, John Hill, Joseph Booth.

Both which being severally read, The Governour answered to those of the Province, That their answer eluded the intent of the Question which was laid in positive words to obtain the Like answer, instead of wch they had Returned one wholly ambiguous and therefore desired them to explain whether they meant by these words, [That they were both willing and desirous to proceed in order to act in assembly according to the direction of the Charter.] That they were willing now to proceed in conjunction with the Lower Counties as called, or that they were desirous according to Charter to have more members added. To which some of the members answered they Intended by it that they were willing now to proceed on the foot they were now chosen with the Lower Counties. David Lloyd Insisted that they had given their answer agreed on y^e^ Govr Continued to require their Intentions severally, To which Anthony Morris answered, That it expressly his meaning to proceed forthwth in Conjunction with the Lower Counties on y^e^ foot they were now Chosen, wch he understood to be Charter, that he took to be the meaning of their answer and of all those that signed it, & Repeating this Severall times over desired that if any other member had any thing to object against this he prest that they might speak, David Lloyd continued to interpose that the Question might be no further urged, affirming their answer was Plain and clear, tho the question was double and ambiguous.

The Governour still Insisted that they might severally and expressly declare their meaning, but those of the Lower Counties and David Lloyd opposed, still Requesting the Question might be no further put, upon which they were Licensed to withdraw, and desired to wait on the Govr to morrow at ten of the clock, at which time they should have their full answer; till when the Council adjourned.

At a Council held at Philadia, 20th 9br., 1702.

Present: the same as before.

The Govr and Council Entring into Consideration what was fitt to be done, and the psent Circumstances of things relating to this Government being duly weighed, It was resolved to be at this Juncture most expedient to Dismisse the members, both of Upper and Lower Counties, till time might offer some Occasion by advice from England, or otherwise facilitate or necessitate their better agreement, or finally to divide them,

Whereupon a Message was ordered to know if they had met, and desire their attendance on y^e^ Governour, And being come they were asked if they had any thing to add to their answers given in last night in writing, to which they answered they had not; Then the Governour addressed himself to them to this effect:

Seeing neither the Importance and weight of what had been laid before them, first verbally and after by a message more fully in writing, nor the ill Consequence of a Separation could prevaile with the members of the Lower Counties to proceed at this time with those of the province in Legislation, wch seperation must needs ensue, or the Province be left in a very ill state if the members of the Counties continue to Insist on the same objections as now, and pretend other obstacles, and seeing the members of the Province were not a Sufficient number to act, The Governour was unwilling to spend their time any further to no purpose, and therefore, with advice of Council, thought fitt to Dismiss them, and accordingly they were thereby Dismissed.

And the Council adjourned of Course.

Memorandum.

In the afternoon all the members of the Province waited on the Governour, and by an address under all their hands and Seals Desired that according to Charter they might be enabled to hold an Assembly by the addition of more members for each County, and two for Philadelphia City.

Memdm also, That all the sd members, (Joseph Growdon and David Lloyd excepted,) declared one by one their Intention was to proceed Immediately.

The address was in these words:

To ANDREW HAMILTON, Esqr., Deputy Govr of the Province of Pensilvania, &c.:

The Humble Address and Request of the Representatives of the ffreemen of the respective Counties of Philadia, Bucks & Chester, Elected to serve in Assembly for the said Province,

In all humble manner shew:

That William Penn, proprietary and Govr of the said province, &c., by his Grant or Charter Under his hand and broad Seal, bearing Date the Twenty-eighth Day of October, in the year 1701, Did Grant unto the Inhabitants, ffreeholders & others of this Province and Territories, divers Immunities, Rights & Privileges for the well being, Good Governmt, and Benefit thereof, In and by which Charter the said Proprietary Did, amongst other things, Declare that if the Representatives of the Province and Territories Should not hereafter agree to Joyn together in Legislation, and that the same should be signified to the said proprietary or his Deputy, in open Assembly or otherwise, from under the hands & Seals of the Representatives (for the time being) of the province or Territories, or the major part of either of them, at any time within three Yeares from the Date of the sd Charter, That in such Case the Inhabitants of Each of the three Counties of this province should not have less then eight persons to represent them in assembly for the province, And the Inhabitants of each County in the Territories should have as many persons to Represent them in a Distinct Assembly for the Territories as should be requested by them as aforesd as by the same Charter Relation being thereunto had may more fully appeare.

Now for as much as the freeholders of the three Counties of this province, To witt: Philadelphia, Bucks & Chester, according to the Direction of the said Charter, having in their severall Counties mett on the ffirst day of October last, and by majority of voters Elected us whose names are Subscribed to be their Representatives in Assembly, As by the Returns of the Respective Sherriffs may appear, And we making our personall appearance here at Philadelphia, on the fourteenth Day of the same month according to the Charter, to attend the Governour in Legislacon, and to doe and perform our Duty and Service in Assembly.

And the Secretary in Council then declared, That no Representatives were returned to serve in this assembly for the Territories, to witt: the Counties of New Castle, Kent and Sussex, Which manifestly proved their Disagreemt to & non acceptance of the said Charter.

Nevertheless It pleased the Governour & Council to Indulge them so farr as to Issue forth Writts Impowering them (notwithstanding their said omission or neglect) to Chuse their Representatives to serve in this assembly, And most of us then agreed to meet here on the Sixteenth of November instant, in order to receive them and proceed to business.

In pursuance of which writts It seems the sd Inhabitants have Elected and sent up their Deligates, who after several Debates & Conferences about their & our Joynt acting in Assembly, they were pleased to Express their vnwillingnesse therevnto, And further Declare their Dislike of the said Charter, And refused to agree to Joyn together with us in Legislation by vertue thereof, Which lays a necessity vpon vs humbly to Signify the same under our hands & Seals, Earnestly Requesting That thou wilt be pleased, either by writt or otherwise, to Cause our Number to be Compleat as the said Charter directs, that is to say, for each County of this province four more members and two for the Town of Philadelphia (now Incorporated,) added vnto us, whereby we may be Enabled, with as much Expedicon as may be Considering our present Circumstances & Emergency of Affairs to act in Legislacon, &c., And to prevent the Great Inconveniency that we Conceive will Attend the province by being not in a present posture to Answer the Exigencies of Government in form of an Assembly, Desireing that the number of nine members may be made vp to represent the County of Bucks, and as many for the County of Chester.

Joseph Growdon,
John Swift,
William Paxon,
Jer. Langhorn,
David Lloyd,
Anthony Morris,
Samll. Richardson,
Griffith Jones,
Nicholas Pyle,
Andrew Job,
John Bennett,
John Worrall.

I sine with Exception againste y^{e} adionall member more then Eight for bucks and Chester County, by Griffith Jones.

At a Council Held at Philadelphia, 20th 11 mo., 1702.

PRESENT:

ANDREW HAMILTON, Esquire, Lievt. Governour.

Edward Shippen,
John Guest,
Samll. Carpenter,
Thos. Story,
Caleb Pusey,
James Logan, Secretary.

A certain master of a Ship lately arrived here loaded wth Logwood, named Dun, having been Committed to Philadelphia Goal upon an Information of murther done on the High seas. It was debated by what method the said Dun ought to be tryed, and Espetially whether by 28th Hen. 8 or 11 & 12, William 3, for Trying Pirates, &c. for Crimes done at Sea, Both which being duly weighed and Considered, It was Resolved, that because it cannot be agreed whether the 28th Heny 8 extends to this Province, or if it doe extend it does not appear that any such Commission as by the said Statute is directed can possibly be Isued here. And because it cannot be agreed whether murther is triable by the said 11 & 12 Willm. 3, and if it should be found so, yet the act Requiring the Kings Commission to be read in the Court before Triall, and the Commission for this place not being in the province, no Court can be held here unless the said Commission can be procured from Maryland; Therefore it will be safest to write to the Proprietr in England, that he may procure Directions there for the said Trial, Unless a method for trying him by the said 11th & 12th, Wm. 3d can be found.

Ordered, That a Commission of Oyer and Terminer be Issued forthwith, To Deliver Philadelphia Gaol, directed to Judge Guest, Capt. ffinney and Edward ffarmer, of whom any two to make a quorum.

At a Council Held at Philadelphia, 9th 12 mo., 1702.

PRESENT:

EDWARD SHIPPEN, Prest.

John Guest,	Griff. Owen,	Esqrs.
Saml. Carpenter,	Saml. ffinney.	
Thos. Story,	James Logan, Secret.	

Whereas, a Commission hath been Issued by the Govr. In pursuance of the last Order of this Board, under the Great Seal of this Governmt, for delivering the Gaol of Philadelphia, on the 23d of this Instant, and the following dayes, directed to Judge Guest, Captain ffinney and Edward ffarmer, Esqr.; and whereas, the prosecution of the Criminals in the said Gaol, being Office of the attorney Genl, It is necessary that he should have timely notice thereof, that he may be duly prepared; Tis therefore ordered, that notice of the said Commission be forthwith given to the said Attorney Genl, by the Justices afore named, or a quorum of them.

Upon the application of Robert Asshton, Clerk of the County of Philadelphia, That in pursuance of the propr and Governour's Commission for the said Office, he may be putt in possession of the Records of the said County, which have hitherto lain Scattered in several hands, and particularly that he has never yet Reced any of them from his pde In the said office David LLoyd.

Ordered, That the said David Lloyd, and every other person in this Government, who hath any of the said Records in his or their possession, forthwith Deliver them to the said Robt. Asshton, upon sight of a Copy of this Ordr, under the Secretary's hand; And that the sd Robert make Report of his Execution of the said Order.

At a Council Held at Philadelphia, 13th 2 mo., 1703.

EDWARD SHIPPEN, Presidt.

William Clark,	Griffith Owen,
Saml. Carpenter,	Thos. Story,
	James Logan, Secretary.

William Clark, Edward Shippen and Thomas Masters, Provincial Judges of this Governmt, Report to this Board, That this being the return of the Provincial Court, for the County of Philadelphia, they have called the said Court according to Law, and impannelled a Grand Jury, that there is a probability of some presentments being made, but that the Attorney Genl, pleading a great Indisposition of Body, there is none to prosecute the Criminals in behalf of the Queen; And therefore crave the oppinion of the Council What ought to be done therein, that Justice may not be delayed.

Also, that in Case any person now Coming to Triall, shall be found Guilty of manslaughter, to which crime the Bennyfit of Clergy is allowed by the law of Engld, what method will be most proper in this

Government to admitt the Criminals to the said Benefit, and adminr the same.

Both which being duly considered and Debated in answer to the last; Tis Resolved, that according to some presidents in England where the Ordinary, whose office it is generally Judged to administer the said Benefit of Clergy, is absent, or there is none in the place, in such Case the Bench has full power to administer it themselves.

At a Council held at Philadelphia, 4th 3 mo., 1703. Martis.

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest,	Samll.ffinney,
Thos. Story,	Caleb Pusey,
Griffith Owen,	John Blunston.

Edward Shippen, Presidt, Informed the rest of the Board that he doubted not but they were acquainted with the mournful occasion of their meeting at this time, viz: the decease of our late Lieutenant Govr, and that it is now Incumbent upon them in pursuance of the Proprietaries, Commission to the Council, to take care of the peace and well being of the Governmt, and thereupon desired the advice of the members therein.

It was moved that the Commission should be read, which according was read, and ordered thereupon, that the same should be forthwith published in due form in the market place, And the said members doe unanimously agree to act according to the best of their ability, in pursuance of the Powers wth which they are Invested by the said Commission.

It was further moved whether any further qualification was necessary, besides what they had already taken at the first opening of the said Commission, upon the Lievt. Gov'rs Entrance on the Governmt and it was Resolved, that the said Qualifycaticns were sufficient, all the requisitt attestations &c having been then taken.

POST MERIDIEM 3ia Hora,

PRESENT the same as before, with Saml Carpenter, The proprietrs Commission to the Council being publickly read, according to the ordr of this morning, the Council Returned and entered upon the Consideration of what was next Requisite to be done in Order to the preservation of the peace and well being of the Government; It is ordered that a proclamation be forthwith prepared by the Secretary and brought to this Board, to be published for the Continuation of all Commissions Issued by the sd Lievt Governour, in full force and virtue, till further orders shall be given therein, and that all persons who enjoy any office, Post or Benefitt, under the said Lievtenant Governour, shall Continue to Enjoy the same till they shall be otherwise Determined.

It was further taken into Consideration what method upon the Governour's decease, shall be taken for Registering Ships and vessells for this Government, In pursuance of an act of Parliament made Anno 7 mo, 8 Regni Regis Gulielmi III, which act Requires an oath to be made in the presence of the Governour and Chief Officer of the Customs, Which being duely Considered, and particularly the method taken by the Proprietry during his psence here, tis Resolved, That during the present administration of the Council, the Oath for Registering Ships and vessells as aforesaid, may be administered by the Collector in the Council Chamber and certified by the Secretary under his hand, and that the province Seal be affixed thereunto.

A proclamation being Drawn by the Secretary according to order, and read to the Board, It is ordered that the same be forthwith engrossed, to be Signed by the President and members of Council, and Issued under the great Seal, and that Copies of the Original be sent into the Counties certified by the Secretary.

Ordered that a Council shall sitt every 3d day of the week at Eleven in the morning.

Nicholas Braddick took the oath appointed by the 7th & 8th Wm 3d for Registering the Sloop Endeavour, of which himself is master, & Richard Hill and Isaac Norris with himselfe owners.

At a Council held at Philadelphia, 17th 3 mo, 1703

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest,	Saml. ffinney,
Saml. Carpenter,	John Blunston,
Griffith Owen,	

The Council being sate, Information was given That Coll Robt Quary desired to wait upon the Council when they were ready to receive him; Whereupon, a message was sent to lett the sd Coll Quary know the Council was now ready to receive him; Coll. Quary, accordingly came and addressing himself to the Presidt, Informed him and the Board, That he had Reced from the Rt Honble, the Lords of Trade and Plantations, Certain Directions, with an Order of the Queens Majestie in Council, relateing to this Board and the Governmt, concerning the Qualifications of Magistrates and officers within the same; wch orders he was ready to Communicate upon the Presidts promise on his word, that the same should be restored to him, because he should have occasion to make use of the said order in other parts of this Governmt.

And the President thereupon gave his word that it should be accordingly restored; Whereupon, the said Coll Quary, offered the sd Order of the Queen and Council, Signed Jno Povey, under the Council Seal, Requiring all person in Judicial, or any other office, or offices in Pensilvania, and the Lower Counties, before their entring upon any such office, or offices, do take the oath directed by the Law of England, or the affirmation allowed by the sd Law to Quakers, and that no Judge be allowed to sett upon the Bench who shall not first take the oath of a Judge, or in Lieu thereof, the aforesd affirmation as directed by the Law of England as also, that all persons who in England are obliged and are willing to take an oath in any publick or judicial proceeding, be admitted so to doe by the proper officers and Judges in Pensilvania and the Lower Counties, in Default of all which, or in case the Judges shall refuse to administer the sd oath, or attestation, Her Majesty was pleased to Declare their proceedings, and by the said Ordr they were accordingly Declared to be null and void.

Also, a Copy of an Ordr of the Queen in Council, giving Her Royal approbation of Andrew Hamilton, Esqr., to be Deputy Governour of the Province of pensilvania and Territories adjacent, under Wm. Penn, Esqr., according to the act of the 7th and 8th of the late King to the first of May, in the year 1704.

Of which Order the Secretary was ordered to take exact Coppies and return the original to Coll. Quary.

It was further proposed to the said Coll. Quary, That the Certificates of Registers should pass, according to the Resolution of this Board in their last sessions, ordering that the said Certificates should be signed by the Secretary in behalf of the Council.

To which he replied, That in his Judgment the said method was repugnant to the Letter of the Law, which he must alwayes make his Rule, and therefore he could not joyn with it himself, nor must admitt the Coll. to take it, or if he should, must think himself obliged to suspend him.

Capt. Du Brov made oath according to Law for Registring the sloop Dolphin, Burthen 3 Tuns, of wch Saml. Coleman was master.

At a Council Held at Philadelphia, 1st 4 mo., 1703.

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest, Saml. ffinney,
Griffith Owen, Caleb Pusey,
James Logan, Secretary.

This being the day for the Court of the Quarter Sessions of the County of Philadelphia, to Sitt according to Law, The Justices of the said Court being advised of the late order of the Queen, in Council, requiring all persons in Judicial Offices to take the oath Directed by the Law of England, or the affirmation allowed by the said Law to Quakers, desired they might be directed by the Council whether it be requisite to take any further Qualifycations, in pursuance of the said order than what they have already taken, being all those that the sd Law requires.

Which being duly Debated and Considered, It was resolved, That although it did not appear absolutely necessary that such Oaths or attestations as have already been duly taken, according to the Law of England should be taken again, Yet it might be Requisite in Honr to the said Order, that the sd Officers should be again qualifyed in Respect to the present Queen.

But it being further thought necessary that the members of the Council should not only be qualified as aforesd, but also take the Oath, (or in Lieu thereof an attestation to the same Effect,) Injoyned by the Acts of Trade, to be taken by the Respective Governours of the plantations, in pursuance of the late King's Dedimus for that purpose, which cannot yet be effectually done, and will be more proper in a full Council ; 'Tis therefore Ordered, that on this day Sevennight there be as full a Council called as may be had, and that then the members be qualified as aforesd, and that it be recommended to the sd Justices to adjourn their Court for fourteen dayes longer.

At a Council Held at Philadelphia, 8th 4 mo., 1703. ♂

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest,
Samll. Carpenter,
Griffith Owen,
Saml. ffinney,
Caleb Pusey.

The Council meeting, but not finding it Convenient to proceed in the matters ordered at the last sitting till more members be present, adjourn till seventh day next at ten in the forenoon.

At a Council held at Philadia, the 12th 4 mo., 1703. ♄

PRESENT:

EDWARD SHIPPEN, Presidt.

John Guest,
Saml. Carpenter,
Griffith Owen,
Saml. ffinney,
John Blunston,
Caleb Pusey,
James Logan, Secretary.

The Council according to adjournmt meeting took into Consideration the Resolution of this Board, past 1st Instant for taking the Oath or affirmation directed in the Kings Dedimus for the security of trade; It is Resolved, that such of the Commissioners mentioned in the sd Dedimus as are in the place, or can be sent to, be advised to attend the Council to execute the sd Dedimus on the 13th of the next month, and that care be taken that a full Council shall meet on the sd day.

Ordered That a Letter be ppared by the Secretary to Ld. Cornbury upon the occasion of the Govrs decease, and the care of the Governt being devolved on this Board, and then adjourned of course.

At a Council held at Philadelphia, the 22d 4 mo, 1703. ♂

PRESENT:

EDWARD SHIPPEN, presidt.
John Guest,
Saml Carpenter,
Griffith Owen,
Saml ffinney,
Caleb Pusey.
James Logan, Secret.

The Council meeting, but no business occurring untill the Commissionrs appoint, in the Kings Dedimus be Conferred with, It is ordered That for the better expediting of affairs relating to the Publick, the time be shortned and the 29th Instant be appointed for the Commissionrs to meet and that the Lettrs desiring the same, prepared by the Secretary accordingly, be signed by the Council directed to each of those in the Government; also the Lettr to the Lord Cornbury, which was done; And then adjourned to the said day.

At a Council Held at Philadelphia, 29th the 4th mo, 1703. ♂

PRESENT:

Edward Shippen,
John Guest,
Saml Carpenter,
Griffith Owen,
Saml ffinney,
Caleb Pusey,
James Logan, secretary.

According to the desire of the Council signified by their Letters, Coll Robert Quary, Richd Halliwell, John Moore and Jasper Yeats, the four Commissioners (now in the Governmt) of the six named in the Kings Dedimus, Potestatem for administring an oath to the Governour appeared, and desiring to know the pleasure of the Council, Edward Shippen, the Presidt, Informed them that by the Death of our Late Lieut. Governour, the care of the Governmt haveing devolved upon the Council, till further provision could be made, they found it necessary to qualify themselves, as far as possible, to answer the end of the Law, and that Considering their Duty in this point they found one thing particularly Required of the Governour of this Province, whom they now represented, viz: to come under an obligation as Required by act of parliament for the better security of Trade and Navigation; That to this end the Late King had granted an Instrument appointing them the said persons Commissioners for that purpose, In pursuance of which Instrument and the Queens late order, (the priviledge of which he hoped those that could not take an oath might expect,) they were desired to qualify the members now mett for that end.

The Commissioners answered, That they formerly had been unfairly dealt by about that Instrument, being Injuriously, as they thought, detained from them, and insisted on the same argumts the three of the same Commissioners had done when called to administer the same oath to Gov'r Andrew Hammilton, upon his accession to the Governmt to which the same answers were made by the Councils, as were upon that occasion.

Upon wch, some considerable time being spent without coming to any Resolution, in a great measure occasioned by Coll Quary's saying that had he been present and had the Dedimus at the aforementioned time, he should have thought himself obliged to have Inquired further into Coll Hammilton's Qualification to be Governour, before the oath should have been administred, which was the Inconveniency alwayes suspected by the Council. The sd Commrs were at length Requested to withdraw, that the Council might advise upon it, viz: whether they should Deliver up the said Dedimus to the Commissioners as they required, and accordingly they withdrew; But the Council, not yet being able to come to a full Resolution in the case, concluded that the Consideration should be further deferr'd till a full Board could meet, and the commissioners returning, were informed of the same.

But Coll Quary pressing that the Council would not suspect the sincerity of their Intentions in coming thither, for though they could not but Insist that as a Reparation for the Injury they believ'd had been offered to them in detaining y^e^ said Instrument, it should be once again put absolutely in their power as it first was, before it came into the hands of the Council, Yet it was not their Design to Perplex the Board and obstruct business, but would rather further it; And Did verily believe that if it once were putt in their Power, they should make no other use of it than by it to Consider their Duty, (for the original they thought to be their due, and that no copy was sufficient,) and desired they might not be suspected, for none of them would be desirous of having it in their custody, but that they would discharge Their Duty as Injoyned by the sd Instrument or Return it to the Council if they could not answer their expectation: Upon which, the said Instrumt was upon their Honour Delvd, That they would act Accordingly.

And the said Commissioners withdrawing with the sd Instrumt, desired the Proprietarys Comission to the Council might be also Comunicated to them, which was done, & further desired that the Council might not Depart till they could have some small time to Considr of it which was promised and thereupon they withdrew.

And Returning within an hour or thereabouts, they Delvd the said Instrument and Commission Informing, That they were willing it should Remain where they found it, or if it were Thought fitt that it should be Lodged in a Chest as a Common Repository under a lock, to which the Comissioners should have one key and the Council another, as had before been proposed by a member of y^e^ Council, they thought it might y^e^ better answer both Commission & Council; And That they were ready to discharge y^e^ Duty Injoyned on them by y^e^ said Dedimus; Whereupon it being moved that they should administer the Injoyned oath to Judge Guest & Capt. Finney, who have a freedom to take an Oath and the affirmation according to the Law of England to y^e^ other members who have not y^e^ like freedom.

They answered that they had carefully perused and Considered both the sd Dedimus directed to them and the propretrs Commission to the Council, that they found by the first they had no power to administer any oath or other thing than in the express words directed in the sd Instrumt, which they were ready to doe, but that the sd Oath being to be Administred to y^e^ Governr of y^e^ province who is now deceased & is represented by y^e^ Council, or a Quorum of them, wch must be made up at least of five in number, in pursuance of y^e^ sd Commission they could not administer y^e^ sd Oath any otherwise than to y^e^ whole Council, as making up but one Governr or at least to a Quorum of 'em, and that they could not see they had any power to administer an affirmation at all; But that notwthstanding their oppinion was that they could by no means doe any otherwise than they had proposed, they should be pleased (Coll Quary added) if the Council could find any Expedient to qualify themselves without y^e^ Comrs that Governmt might be supported, and Business be carried on, & that when they had done so or should think fitt to proceed further in business, he would be ready to be assistant in what affairs Concerned him, upon which they departed & y^e^ Council Adjourned of Course.

At a Council held at Philadia, 13th 5 mo., 1703.

PRESENT:

EDWARD, Presidt.

John Guest,	Griffeth Owen,
Saml. Carpenter,	Saml. ffinney,
William Clark,	Caleb Pusey,
Thomas Story,	Jon. Blunston.

This day having been appointed for a full Council to meet, that being a full Board, they might y^e^ better take measures effectually to Qualify themselves for Business. The Presidt Informed the rest of the members That on the 29th of the last month, according to a former ordr of the Board, the four Commissionrs now in the Country, appointed by the late Kings Dedimus, for administring the oath required by act of Parliamnt to the Governour having been sent to had appeared, & being informed of the Business y^e^ Council had with them were desired to discharge what by y^e^ sd Dedimus, they were required to, y^e^ Council now Representing y^e^ Govr upon our Late Lieutents Decease, allowing y^e^ Priviledge that the Queens Ordr allowed to those who could not take an oath of taking a Legal affirmation in Lieu thereof.

But that the sd Comissionrs had Refused and Repeated their argumts on both sides, and the sequel & event of the whole as entred in the minutes of that day.

That the sd Comissionrs having thus declined, it was next Incumbent to enter upon yᵉ Consideration of what measures were now to be taken for their Qualification, that yᵉ Governmt might be supported and Business carried on.

It was moved that ships being lately arrived from Engld, there might be Communicated to the Board what ordrs or advices were sent over relateing to this Governmt; and accordingly the Secretary presented a Letter from the Proprietary to Govr Hamilton, with the Queens Approbacon, two Lettrs from Secretary Nottingham, by yᵉ Queens Command, forbiding all Communication with yᵉ Enemy, &c., with some other papers, which being Read, the Board took into Consideration what was first Proposed by yᵉ Presidt.

And first it being Proposed to be Considered, In Pursuance of what Power the Council should act, whether ex officio as yᵉ Council of yᵉ Govmt while yᵉ Lieutent Govr was living, upon whose Decease the Govmt naturally devolved on yᵉ Council without any Particular Power granted, or in pursuance of yᵉ Propriers imediate Comission, It was Resolved, That yᵉ sd Comission having been published and a Proclamation Issued thereon, the Council must proceed to act on that Power only.

And upon Reading the late Kings Dedimus Potestatem for Administring an oath to the Govr of this province, it was debated whether yᵉ sd Dedimus were yet in force or was expired, And the Queens Commission for Continuing all officers, &c., sent by Her Honble Privy Council, with direction to Pulish yᵉ same, being read & Considered, It was Resolved, yt yᵉ sd Dedimus was yet in full force & power.

It was also proposed, whether the Council could be thought to be under an obligation of taking that Oath or an Equivalent, Seeing Govrs seemed to be the only psons Intended both by the Act of Parliamt & yᵉ Dedimus, and no Council was mentioned, But it was Resolved, that both yᵉ Law & the Kings Dedimus, requiring the Govrs or Commanders in Chief to come under that qualification, & yᵉ Council being really now yᵉ Comandr in Chief in this Province, they were under yᵉ same Obligation as a Govr in whose pson alone yᵉ Govmt were invested would be.

Upon all wch yᵉ necessity of being Qualified in pursuance of the sd Dedimus appearing, and yᵉ Comissionrs as is aforesd having refused to administer an affirmation, other than wch most of yᵉ members could not possibly take; It was proposed that the Council should qualify themselves, together wth the Collrs of yᵉ Queens Customs, according to the second part of yᵉ Directions in the sd Dedimus, & thereupon it was ordered the said Collectrs ,(viz.) John Bewly, Esqr., should be sent for, and was accordingly. And yᵉ sd John Bewly appearing, and being Informed by the Presidt of yᵉ occasion, He requested to be excused, for he did not think it proper he said for him to concern himself with it.

But the board pressing it upon him as his duty Injoyned by the Kings Dedimus, & that it would be a great failure in him should he refuse it, he desired some time to advise upon it, which being agreed to He withdrew, and after some time returning Informed the Board he was sorry to tell them he could not answer their ends.

But the Presidt still pressing it, that the Governmt Required it of him, and if there were a failure by means of his Refusal it must ly at his door. He was asked if he could not be a witness to their qualifying themselves and Sign as such, if he could goe no further. He only answered he could not meddle at all and so withdrew, and the Council adjourned till next fifth day (Thursday) till 8 in the morning.

At a Council Held at Philadia, 15th of ye 5th moth, 1703. ♃

PRESENT:

Edward Shippen,	Griffth Owen,
John Guest,	Saml. ffinney,
Saml. Carpenter,	Caleb Pusey,
Wm. Clark.	Jno. Blunston, Esqrs.

The Council meeting further to Consider what methods should be taken for their Qualifycation spent some time in the Debate, but not coming to any Resolution adjourned to two in the afternoon.

And then meeting according to adjournmt, further adjourned till seven in the morning.

At a Council held at Philadia, 16th of the 5th month, 1703. ♀ mane.

PRESENT:

Edward Shippen,	Griffith Owen,
John Guest,	Saml. Finney,
Saml. Carpenter,	Caleb Pusey, Esqrs.
Wm. Clark.	

Judge Guest & Capt. ffinney Informed the Board that they had a Conference wth John Bewly, Collr of Philadia, Concerning the administration of the oath in pursuance of the Kings Dedimus, and pressed it upon him as his Duty to administr the sd oath to such of the Council as would take it, & that by many argumts they had convinced him & prevailed on him to comply, and thereupon desired he might be sent for, and accordingly he was sent for.

And the said John Bewly, Collr, appearing in a full Council, administred the sd oath in pursuance of the sd Dedimus Potestatem to Jon. Guest & Saml. ffinney, which was accordingly certifyed by Indorsmt on the said Instrumt.

Also, Edwd Shippen, Saml. Carpenter, Wm. Clark, Griffith Owen & Caleb Pusey, took an affirmation according to the Law of England to observe yᵉ same that the said persons had sworn, and in the same words (the oath only excepted) as directed in the sd Instrumt, and subscribed the same in a Separate writing, also Judge Guest and Capt. ffinney took the oaths of Fidelity to yᵉ Queen and abhorrence of the Popes Supremacy, and the other members took the Declaration to the same effect, according to act of Parliamnt & subscribed the same.

Jon. Du Broy made oath according to law, for Registring the Sloop Dolphin, Burthen 3 tuns, Saml. Coleman, Mr.

James Tuthil of Philadia, mariner, made oath according to law for Registring the Sloop Unity, Burthen 8 Tuns, the Dept mastr.

Adjourned till 3d day morning.

At a Council held at Philadia, 20th 5th moth, 1703. ♂

PRESENT:

Edwd Shippen,
Jno. Guest,
Saml. Carpenter,
Thos. Story,
Griffith Owen,
Saml. ffinney.

A Warrt from the Proprietr under his hand & Lesser Seal of y Province bearing date yᵉ 29th Day of March 1703, directed to Andrew Hamilton, Esqr. Govr of Pensilvania & Territories was read, That Reposing espetial Trust & Confidence in the Prudence & Integrity of his Kinsman, Coll Wm. Markham, he thought fitt to appoint him to be Register Genl of the Propry Province of Pensilvania, and Territrs, Required him the sd Andrew Hamilton to pass his Lettrs Patents to constitute the sd Wm Markham his Register Genl of yᵉ sd Province & Territories, was exhibited to yᵉ Board wth a Request that yᵉ Council would pass a Commission for yᵉ sd office to yᵉ sd Coll Markham, and accordingly it was ordered that the Secretary should prepare a Commission for yᵉ sd office to the sd Coll Wm. Markham, for yᵉ sd office, to be signed by this board at next sitting.

Ordered yt yᵉ Council shall meet every 3d day at eight in the morning, to wch time of Course yᵉ Council is adjourned.

At a Council held at Philadia, 27th 5th moth, 1703.

PRESENT:

Edwd Shippen,
Saml. Carpenter,
Wm. Clark,
Thos. Story,
Griff. Owen,
Saml. Finney,
James Logan, Secretry.

A Commission to Wm. Markham, Esqr. for the office of Register

Genl of this Province & Territories, being in Pursuance of an ordr of ye 20th Instant, prepared by the Secretry, was read, approved & signed.

Hercules Coutts made oath according to Law, for Registring ye Sloop Salamandr, Burthen 8 Tuns, Rd Rustwell Mastr.

Robt Weir made oath according to Law for Registring ye Sloop Pensilvania Mercht, Burthen 10 Tuns, Jno Tucker mr.

Signed a Warrt of appraismt of certain goods containing in two bales Imported on the Constant alice, directed to Bowlaf de Haes & Richd Clark of New Castle, at ye Instance of James & Hercules Coutts.

Upon ye Request of Wm. Tonge for an ordr that ye Records of N. Castle be delvd to him ye Clerk thereof by James Claypoole, late Clerk of ye said place also for ye Naval Office for ye Port of New Castle; T'is ordd that ye sd William in ye first place be Required forthwith to acct for wht he has recevd of the Levies.

Ordered, That Powers be drawn for qualifying ye Justices of ye SeveralCounties, according to ye QUEENS late ordr, and that a Dedimus Potestation directed to Nehffield for ye County of Sussex & another to Wm. Annand for ye County of Kent be forthwth prepared, wch was accordingly done & signed, & then adjourned of Course.

At a Council held at Philadia, ye 3d 6 mo., 1703.

PRESENT:

EDWARD SHIPPEN, President.

Saml. Carpenter,	Thomas Story,
William Clark,	Griffith Owen,
	Caleb Pusey.

A Dedimus Potestatem directed to Jerem. Langhorn, for qualifying ye Justices of Bucks County, in pursuance of ye Queens late order.

Also, another Dedimus directed to William Annan, with Willm. Rodeney's name inserted, for qualifying the Justices of Kent, in pursuance of ye said order.

Also, an order to John Moore, late Register General, to deliver unto Coll. Willm. Markham, the Books, files, Records & Papers belonging to ye said office were signed, & then adjourned of course.

At a Council held at Philadia, ye 10th 6 mo., 1703.

PRESENT:

Edwd. Shippen,	Griffith Owen,
Jno. Guest,	Saml. ffinney.
Willm. Clark,	

A Lettr from the Proprietary to Governr Hamilton, by Alexander

Paxton, under the Province Seal, dated y^e 13th 1 mo. last, inclosing a Duplicate of y^e Queens approbation of y^e sd Governour was read.

Thomas ffarmer, High sheriff of y^e Citty and County of Philadia, acquainted y^e Board, that having a design to transport himself to England he must Crave leave to lay down his said office, & therefore requested y^e Board that another might be appointed, & thereupon;

Jno. ffinney, Esqr., presented a Petition, praying that upon y^e said Sheriffs resigning his Place, he y^e said Jno. ffinney might succeed him therein, wch is Granted, & a Commission is ordered forthwith to be drawn for Constituting the said Jno. ffinney, Sherif of y^e said Citty & County; He obliging himself to take effectual care that y^e Taxes, Levies and fines accruing to y^e Proprietary, as well as others of y^e Govermt, should be duly Collected.

Ordered, That a new Dedimus potestatem be prepared, directed to Robt. Assheton, for qualifying the Judges, the attny General, Registr Genl & Secretary of this Province & Territories, & to y^e Justices in y^e Court of Common pleas, in Equity & of the peace for the Citty & County of Philadia, & to y^e Sherif of y^e said Citty & County, in pursuance of y^e Queens late ordr, and then adjourned to 5th day next at 8 in y^e morning.

At a Council held at Philadia, y^e 12th of 6 mo., 1703.

PRESENT:

Edwd. Shippen,	Griffith Owen,
Jno. Guest,	Saml. ffinney,
Saml. Carpenter,	Cal. Pusey.
Wm. Clark,	

A Commission for y^e office of High Sheriff of y^e Citty & County of Philadia to Capt. ffinney; also, a writt of assistance to y^e said Sherif were signed, to be made Lettrs Patents; also, a writt of Discharge to y^e late Sherif for his said office.

Ordered, That all the Collectrs of y^e Taxes of this County, be summoned to appear before this Board the 7th of 7 mo. next.

Signed also another Dedimus Potestatem to Robt. Asheton, to qualify all the magistrates of this County, y^e Judges & Chief officers of y^e Govmt, wth a full Copy of y^e Queens order annexed; and then adjourned.

At a Council held at Philadia, y^e 16th 6 mo., 1703.

PRESENT:

Edwd. Shippen,	Wm. Clark,
Jno. Guest,	Tho. Story,
Saml. Carpenter,	Griffith Owen,
	Saml. ffinney.

Saml. Rowland of Philadia, mariner, having yesterday arrived with his Sloop from Lewis, in Sussex, & brought advice, That there was certain Ship lately arrived there wch they had some reason to suspect was on no honest design; the Council meeting upon that occasion, sent for the said Rowland and examined him, and upon his solemn attestation he Declares,

That He, the said Rowland, and y^e Collector of y^e said Port, (viz. H. Brooke,) having been a few miles out of y^e town of Lewis, & returning thither on Wednesday last, y^e 11th instant, they perceived a ship ride off of y^e sd Port, and Inquiring in the town concerning her, they were told she was either a ffrench Ship or Prize, and found some of her men landed, two of whom particularly they met with, and y^e said Collector Inquiring of them whether they belonged to that vessel they answered yes; y^e Collectr then asked what Papers they had to shew, upon wch they produced a Copy of a Commissn wch they said was their Capts; That presently after they mett wth three more of y^e men, who had come ashore & staid wth them near three hours, that y^e two they first mett with prest y^e other three to goe on board wth y^e water they came ashore for, but they refused, and that y^e said two earnestly urged the others not to lett their fellow Souldiers perish, calling them Barbarous Dogs for their Inhumanity, & that it would be Kinder to pistol them then to lett them die for thirst.

Upon wch this Informant offered, that in Case one of y^e sd two men (who were y^e most genteel) would stay on shore as a pledge for him he would carry them water on board, and accordingly one staid, & he carried them four anchors of water, of wch they drank up two he thinks before he left them; That they called y^e Capt. Burgess, & said y^e ship was a french prize, loaden with wheat, came from Callary within y^e Streights, Was taken off y^e Canaries by Capt. Pullen, Companion to Capt. Dampier, on his intended expedition to the south Seas; That y^e men said they were ordered by Capt. Pullen to come wth the said Ship into these parts to Sell her, & when sold he would meet them in this river; That they said they had but 15 men in all; That they had 12 great Guns, & Seemed to be about 120 Tuns; that according to their own accot theyhad Tenn ThousandBushels of wheat aboard, but that he believed they had not so much, that he saw some of the wheat but did not look into y^e hold.

That y^e said Informant going on board wth only two of the 5 men (viz.) one Sailor and another of y^e two first, they saw the Capt., who seemed much disturbed, his men were not come on board, But that he that was left a pledge wrote a Lettr to y^e Capt. by y^e other person, upon wch the Capt. was satisfyed; That y^e Capt., after some words, resolved himself to come on shoar, wch he accordingly did; That meeting those of his men that were on shoar, and menacing them they submitted & promised to goe on board, being sent to gett some water & Provision they ran away, & that one of the other two who came on shoar wth the Capt. said he would do the same when he could. That hereupon the Capt. took occasion to threaten this Informant as the cause of his mens running away, that he attempted to draw upon him but that he was disarmed by the Company, as also the Capts Companion Charleston by name, Upon wch the Sherif Secured y^e Boat, and was consulting with y^e Collector to raise y^e Posse of y^e County & took the Capt. into Custody. That the Informt further adds, that inquiring earnestly of some of y^e men to know what they were, One of them told him that their then Capt. who was Lievtenant to Capt. Pullen, had been 3 dayes in Irons some time before they parted from sd Pullen. He further adds, That upon a lighted match, accidentally touching one of y^e mens Legs, who Complained of y^e pain, the Capt. asked him how he would have bore what their Boatswain did, to have matches burn between his fingers, upon which the other swore the Boatswain was a stout fellow, suffered bravely, without divulging any thing.

That there is none of y^e prisoners on board of whom the ship was taken, of wch being asked y^e Reason, they said she was taken in the night near y^e shore, & that the men gott off in their Boats & escaped, and that those who were on shoar said, that if they who were on board could gett on shoar, at least 8 or 10 of them would desert her.

Which being considered, & y^e Ld Cornbury being in town, who by his Commissn for the Jerseys is Constituted Vice admiral of y^e same, & has therefore Juris in some parts of our River & Bay, tis Resolved, That y^e Council shall fortwith wait on y^e sd Lord Cornbury, to consult wth him what may be most proper to be done.

Accordingly y^e Council went & Returning, the President reported that the said Lord Cornbury had agreed with them that he should issue a Commission to Capt. Thomas Braines, for seizing & bringing up the said vessel, and that y^e Council, in behalf of this Governmt, should issue a publick Instrumt to encourage a sufficient number of persons of this province to be assistant to y^e sd Capt. Braines, in seizing and bringing up the said vessel, wch according was ordered forthwith to be drawn, and was drawn and signed, & then adjourned to 8 in the morning.

At a Council held at Philadia, y^e 17th 6 mo., 1703.

Present: Wm. Clark, with y^e preceeding as before.

James Le Tort, who about 2 years agoe went out of this Province to Canada, & returned last spring, having been upon his return examined before several of y^e Council and magistrates, and no great occasion found to suspect him of any evil designs agst this Govmt, he having been bred in it from his infancy, had hitherto behaved himself inoffensively, & was seduced to depart in time of peace by the Instigation of some others, without any evil Intentions that could be made appear in himself, and being now in town, together with Peter Bezalion, another frenchman & Indian Trader, It was Judged necessary to call them both before the Council, & for further satisfaction to take Security of them for their Behaviour towards the

Govmt, accordingly they were sent for & obliged each to give Security in five hundred pounds Sterling, that they should behave themselves as good Subjects of the Queen & of this Govmt, & hold no Correspondence whatsoever wth y^e^ Enemy, but at all times during y^e^ Warr make best Discoveries they could of all designs that should come to their knowledge agst this Govmt, or any others of y^e^ Queens Subjects.

At a Council held at Philadia, the 24th 6 mo., 1703.

PRESENT:

EDWD. SHIPPE, pres.

Saml. Carpenter,	Griff. Owen,
Wm. Clark,	Tho. Story.

Information being made to this board, That y^e^ Collectr of Lewis was come upon to this Town & made Complaint to Judge Clark, & the Secry of Jonathan Baily, the Sherif of the County of Sussex, that he was remiss in Discharging his duty, & giving him the said Collectr necessary assistance in apprehending y^e^ Commandr & Sailors of y^e^ ship that had lately come in and anchored before that port, being the Prize taken by Capt. Pulleyn, and y^e^ said Judge Clark, the Supream officer of y^e^ said County, directing the said Complaint to y^e^ Board, & accusing him of great remissness & Stubborness in his office in general. It was Orderd, That y^e^ said Jonathan Baily's Commission should be superseded, & the place granted to Luke Watson, Senr., who had formerly petitioned for the same. Ordered also, that a Lettr be forthwith drawn by the Secry to y^e^ Proprietry & Govenr, to be signed by the Council, laying y^e^ State of affairs in this Govmt fully before him, & humbly praying him to make speedy Provision to regulate y^e^ Same, & then adjourn till 5th day next, at eight in the morning.

At a Council held at Philadia, the 27th, 6 mo. 1703.

PRESENT:

Edward Shippen,	Tho. Story,
Saml. Carpenter,	Griff. Owen,
William Clark,	Caleb Pusey.

A Commission to Luke Watson to be Sheriff of y^e^ County of Sussex, Ordrd the 24th Instant, together with a writt of Assistance & writt of Discharge to y^e^ late Sherif, Jonathan Bailey, were signed.

Also, a letter to y^e^ Proprietor as ordered the said day, and then adjourned of Course.

At a Council held at Philadia, the 17th 7br., 1703.

PRESENT:

Edwd. Shippen,	Tho. Story,
John Guest,	Saml. ffinney,
Saml. Carpenter,	Caleb Pusey.

Aaron Delacourt & William Preston, Presented to ye board a Petition, wch was read, & conts in Substance as follows, (vizt.) that ye said Petitionr came in the Sloop Younger brewer, now under seizure, from Campeachy Bay, & were bound for Caracao, but by bad weather & the Sloop being very leaky, & ready to founder at sea, were obliged to put into Delaware River, & Desired Liberty to sell part of ye Logwood, they brought in ye said Sloop to defray her Charges, & that ye remaindr might goe to the owners.

After wch ye Petitionrs being heard what they had farther to say, it was by them alledged that ye Sloop was a french Prize, taken by the Dutch, & as such condemnd by a Dutch Colour at Curracao, a Copy of wch Condemnation they produced in ye Dutch tongue, & that they were forced in here by ye stress of weather & their vessels leakiness & that they had protested agst the same, producing a protest under the hand and Seal of Wm. Tonge, Notary at Newcastle, wch was read, as also an affidavit of the said Aaron Delacourt, & ye Sailors of ye said Sloop, together with Thomas Hurst, Mr of ye sloop Anne, now riding in Delaware aforesaid, & the Sailors thereunto belonging, Containing in substance that ye said Sloop was by one Capt. Rutter sold in Campeachy to Daniel Middleton & Wm Preston, who Loaded her with Logwood & sent ye same to Curracao, & having been at sea a month & odd days she sprung a Leak, splitt her sails, sprung her mast, and being hereby Disabled, was forced into Delaware Bay, and that he the said Thomas Hurst & Sloops Compa Sailed in Compa with the said Sloop till their arrival at New Castle, for fear she should founder at sea, and that to the best of their knowledge, the sd sloop Younger Brewer, was Bound for Curracao.—Sworn before John Guest, 14th 7br, 1703.

There was also produced & read another paper, under the hands of Benja. Burnian, Jno. Dure, Barth Penrose & Joseph Haywood, Cont that they had visited the said Sloop Younger Brewer, & found her not fitt to keep ye Seas, wch they also swore before John Guest, Esq., the 14th 7 br, 1703.

But after ye said matters had been fully weighed & Considered, it was resolved that as they were represented to this board, it does not Properly lye before them to give the Petitionrs Relief in their Premises.

Capt. ffinney moved that ye Prisoners now in Philadia Gaol, Confined by Judgment of ye Court of Quarter Sessions might be discharged from their Imprisonmt, & obliged to serve their Respective masters in lieu thereof sometime longer; Resolved that this board ought not to take notice thereof unless ye Persons respectively concerned Petition, & then ye same shall be duly Considered.

Capt. ffinney in behalf of yᵉ Justices, acquainted this board that the Benches ffees would not defray yᵉ Charges they were at During yᵉ Courts sitting, therefore Desired that what yᵉ Benches ffees would not defray might be paid out of yᵉ ffines which is referred to yᵉ Commissionrs of Property.

Pentecost Teague, Coronr of Philadelphia, presented to this board his Petition, setting forth that one David Crawford fell out of his boat near Gloucester in Delaware River and was drowned; But some time after yᵉ body was taken up near Skuylkil mouth, Where an Inquest sate upon yᵉ Body & buryed him, whereby yᵉ said cornr was at Considerable Charges & not yet repay'd, although yᵉ sd David had at his death sufficient Goods & effects to repay yᵉ same, Therefore the said Corronr Desired an Order to take into his hands so much of yᵉ sd David Crawfords Goods & Effects as would Defray yᵉ said Charges, Which being Considered, it was ordered that the sd Corronr may take into his Custody all or any Part of yᵉ Goods or Effects yᵉ said David was legally Possessed off at yᵉ time of his Death, of all wch Goods & Effects that shall be so seized yᵉ said Correnr shall render an account to yᵉ Proprietry or his Proper Officers, & if any remain after the Coronrs Charges shall be paid, yᵉ Corronr shall pay such remaindr to the Propry or his proper officers.

Signed a warrt to Rowlaf De Haes & Richd. Clerk, to survey a Bail of Goods came in the Penrose Galley, James Miller, Mr., Consigned to James & Hercules Coutts.

At a Council held at Philadia, 25th 7br., 1703.

PRESENT:

Edwd. Shippen,	Griff. Owen,
John Guest,	Saml. ffinney,
Saml. Carpenter,	Caleb Pusey.

A Petition from John Noyse, Prisoner in the Common Gaol of Philadia., to this Board, was read, Humbly Shewing That yᵉ sd Petitioner, a servant to John Webb of yᵉ Citty Philadia., was committed to yᵉ said Goal for taking a watch, &c., from John Guy, & being Convicted of yᵉ same at yᵉ last quarter sessions, was orderd to pay Eight pounds & to Receive five Lashes on his back, at the Bell of yᵉ said Citty, wch Punishmt of y 5 lashes upon a hearty sorrow for his sd offence, & upon a due submission he humbly prayes this board that they would be pleased to remitᵗ.

Which Prayer being taken into Consideration, & yᵉ Petitiors Circumstances duly weighed, This Board is favourably pleased to order that yᵉ sd Punishmt of five Lashes, ordered by yᵉ Court to be Inflicted on yᵉ sd John Noyse, (as by a Copy of yᵉ minutes of Court duly certified appears,) be remitted, & accordingly they are hereby remitted, & hereby the said John Noyse is discharged from yᵉ same, of wch the sherif of the Citty & County is hereby ordered to take notice & to act accordingly.

It being represented to this Board, that ye last Court of ye County of Chester, was not duly held on the day on wch it ought of Course by Law, But by means of some obstructions thrown in their way, It was adjourned to the first of the next month, agst wch time it would be necessary to Issue a new Commission to constitute a magistracy in ye said County. Tis Ordered, That a Commission be forthwith prepared, directed to John Guest, Jasper Yeates, Caleb Pusey, Philip Roman, Jonathan Hayes, Ralph ffishbourn, Jeremiah Collet, Walter Martin and Nathaniel Newlin, to be magistrates of ye said County, and that a Dedimus Potestatem be also prepared, directed to ——, for qualifying the said Justices.

At a Council held at Philadia, 28th 7br., 1703.

PRESENT:

Edwd. Shippen,	Tho. Story,
John Guest,	Griff. Owen,
Saml. Carpenter,	Saml. ffinney.

Information being given, That John Bewly, Collectr of ye Queens Customs for ye Port of Philadia., with ye Collectrs of New Castle & Lewis, having obtained new Commissions for their sd places, under ye Queen, were all now in town, and desirous to be qualified by taking ye oaths enjoyned to Officers by ye several acts of Parlmt, & were about applying themselves to this Board for that end.

The said acts of Parliamt, & the nature of ye oaths being Considered, It was Resolved, That ye most proper place for administring them was ye Court of Quarter sessions, to wch they were in their Several Counties referr'd. Adjourned of Course.

At a Council held at Philadia, 12th 8b., 1703.

PRESENT:

Edwd. Shippen,	Griffith Owen,
John Guest,	Samuel ffinney,
Tho. Story,	John Blunston.

Anthony Morris, Mayor Elect of this Citty, in pursuance of their Charter for ye following year, presenting himself with ye aldermen & Common Council, made a solemn promise of fidelity to ye Queen, took ye Declaration of his abhorrence of Popery, & ye Test for his qualification, &c.

Josiah Appleton took ye oath required of him by act of Parlmt for registering the Sloop Speewell, Saml. Spencer, Mast., Burthen Ten Tuns, or thereabouts.

Adjourned to 5th day next 2 in ye afternoon.

At a Council held at Philadia, 15th 8br. 1703, A. M.

PRESENT:

Edwd. Shippen,	Saml. ffinney,
Thomas Story,	John Blunston.
Griff. Owen,	

Edwd. Shippen, Presidt., Informed the Board, That yesterday being the 14th of 8br., the day appointed by Charter for yᵉ Assembly of this Province to meet at Philadia., the Greatest part of yᵉ said members had mett with himself & two more members of Council, but that there was not a full Quorum, & therefore could not take any due Cognizance of their appearance; That the Sheriffs of Philadia. & Bucks had made their returns, but yᵉ Sherif of Chester had neglected his duty; That thereupon, he had sent yᵉ messenger of the Council express for him, with ordrs to Summon John Blustone & Caleb Pusey, Esqrs., to attend at Council, and that in pursuance of yᵉ said message the sd Sherif was come to Town, & presented also his Return, and was now waiting further orders.

Ordered, that John Hoskins, Sherif of the County of Chester, be called to answer to this Board for his failure in making a Return of yᵉ Representatives chosen for yt County.

Accordingly yᵉ said sherif appeared, & being duly reprehended for his fault, he acknowledged his neglect, but as it arose not from any contempt he craved their excuse; Whereupon, he was ordered to pay yᵉ messenger & was discharged.

A message from the Representatives of yᵉ freemen of this province was brought, requesting to know when they might be admitted to present themselves to yᵉ Council, to which answer was given they might in half an hour.

Within yᵉ said time two and twenty of the said Representatives presented themselves, & being called over according to their respective Returns of the Sherifs, there appeared for Philadia County Seven members; for Bucks Six; for Chester Seven, and for the Citty of Philadia two; who requested that they might be admitted to take the usual qualifications in ordr to proceed to Business.

The Council first observing that there were eight members returned by the respective Sherifs of each County, craved to know upon what foot such a numbr is returned this year, Seeing there were no more than four Represented last year.

Some of the Representatives answered that upon the application of members elected for the Province last year, made to the Deceased Govr Hamilton in pursuance of the Proprietors Charter, the Province hath now a right to choose so many together with the said two for yᵉ Citty Philad, Of wch application the Council could not be ignorant.

It was answered, That the application having been made to the Govr alone, and not in Council, & the Govr soon after dying, they could not be regularly acquainted therewth, but yᵉ Secretary being called on for y^e^ said Instrumt, it was produced and allowed to have been sufficient, & is satisfactory.

The said Representatives then craved they might have y^e^ usual Qualifications administred, to which the Council answered, That y^e^ Govr being deceased and the Govmt now devolved on them for y^e^ present, not by Intention but through an Exigency, they could not think the present Constitution sufficiently qualified for Legislation, notwithstanding it was sufficient till further provision could be made for the administration of Justice & the necessary Support of y^e^ Govmt.

They representatives replied that as they were duly elected by y^e^ people in pursuance of their Charter, so they thought themselves obliged to consider for what end they were chosen, but it was impossible to doe this until they came under the usual & necessary qualifications, that moreover they thought it an Indispensable necessity incumbent on them for the publick safety & common welfare, to put themselves as far as possibly they could into a condition to be ready at least for Legislation, and to answer y^e^ ends of Govmt and therefore craved the said qualifications.

Resolved at length that further time should be taken to consider of their Request, & thereupon y^e^ sd Representatives withdrawing, It was Resolved that considering the great Importunity of y^e^ sd Representatives, & that they would by no means be satisfied to return home without a sufficient Qualification to meet any Governr that might come over or be commissioned here within the year, y^e^ sd Qualifications should be administred as desired. And then adjourned to 3 in y^e^ afternoon.

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POST MERIDIEM, ijdem qui ante ho. 3tia.

The Representatives appearing according to appointmnt in a full Body, Tho. Story by Ordr of y^e^ Council, speaking to them said, That notwithstanding y^e^ Council for several reasons could not think it proper for them to concur or proceed to Legislation, & therefore they ought not to doe any thing tending that way. Yet considering y^e^ earnest desire they had expressed to take y^e^ qualifications, y^e^ Council had agreed they should be administred to them as desired, but withall that they should not interpret this, as any design in the Council to concur with them any further. To wch it was answered, That they hoped the Council would not Capitulate wth them, they were not now in a Condition to treat wth y^e^ Board as a house, but when qualified they should be enabled & would proceed, they hoped to y^e^ best of their abilities for y^e^ good of y^e^ Publick, & a just Discharge of their Duty without any Clashing or opposition. And thereupon Nick Waln, Saml. Richardson, Isaac Norris, David Lloyd, Anthony Morris, senr., Saml. Cart, Joseph Wilcox, Charles Read, Wm. Biles, Tobias Dymock, Richd Hough, Wm. Paxton, Joshua Hoope, Thomas Stevenson, Nicholas Pyle, John Bennet, Andrew Job, David Lewis, Nath Newlin, Jos. Baker and Robt Carter took and subscribed their attestations in the words of what is required by y^e^ oaths Injoyned by y^e^ Law of England, in lieu of the oath of allegiance & then departed in order to choose a speaker, Gr Jones refusing to sign with y^e^ others.

And returning, David LLoyd at y^e^ head of y^e^ whole Body of representatives was presented to y^e^ Board, & informed y^e^ Council that y^e^ House were pleased to make choice of him, who tho' he must acknowledge himself too meanly qualified for y^e^ place; Yet as they had thought fitt to lay that charge upon him he must think himself obliged to serve them to y^e^ best of his ability, and then desiring to know to what time y^e^ Council would adjourn, to wch answer was made to ten in the morning; they wthdrew, & then the Council adjourned accordingly.

At a Council held at Philadia., 16th 8br., 1703.

PRESENT:

Edwd. Shippen,	Griffith Owen,
Jno. Guest,	Saml. ffinney,
Thomas Story,	John Blunston.

Two members from the Assembly presented Jeremiah Langhorn to y^e^ Board to take y^e^ usual qualifications, in order to be admitted to their house, & accordingly he took & subscribed y^e^ same qualifications y^e^ others had done. The said members also craved that y^e^ assembly might be favoured wth a list of y^e^ members returned by y^e^ respective Sherifs, or with y^e^ Returns themselves, wch y^e^ Secry was ordered to deliver to them, & accordingly they were delivered, and then they informed that y^e^ whole house of Representatives desired to attend y^e^ Council, which was agreed to by y^e^ Council.

The Body of Representatives accordingly came, & y^e^ Speaker acquainted the Board that y^e^ member of their house, (viz. Gr. Jones,) who had yesterday declined to subscribe y^e^ attestations for their Qualifications, together with y^e^ other members upon a full debate of that matter, was now willing to take and subscribe what was enjoyned by their Charter & y^e^ Laws of this Govrmt, (viz,.) allegiance to y^e^ King, ffideltty to y^e^ Proprietr, & Obedience to y^e^ Laws of this Govermt, wch notwithstanding the other members had exceeded it in what they had done, yet they thought it was all that could be required of them, & therefore proposed to y^e^ Board to consider whether it might not be sufficient.

He also, in y^e^ name of y^e^ House, desired that they Might have a Conference wth y^e^ Board, either by a whole Comittee or a particular one, in order to debate y^e^ Power and Capacity of y^e^ Council, to joyn with them in y^e^ proper affairs of an Assembly; Upon which It was resolved, that an answer should be sent them & they withdrew.

Resolved upon a due Consideration of y^e^ first proposal, offered by y^e^ Speaker of the Assembly, That as allegiance to y^e^ Crown was required, so yᵉ Law of England was yᵉ most proper to direct them how that allegiance should be declared, and as yᵉ rest of the members had acted in pursuance of yᵉ said Law, so yᵉ said member ought not to be admitted on any terms short of what yᵉ rest had been, and to yᵉ Latter that yᵉ whole Council would hold a Conference with the whole house in yᵉ Council Chamber at two in yᵉ afternoon, and a messenger was sent to Inform yᵉ House accordingly, and then adjourned to yᵉ said hour.

POST MERIDIEM, ijdem qui ante, Capt. ffinney excepted.

The House of Representatives, according to appointmt, presented themselves in a Grand Committee in Ordr to confer with the Council concerning yᵉ present Condition of yᵉ Govermt, & yᵉ Powers of yᵉ Council to proceed in Legislation, In wch some time being spent in Consideration of yᵉ Powers of yᵉ Proprys Commission to yᵉ present Council, & yᵉ whole debated the Council, declaring that notwithstanding they were fully satisfied of their Power in Govermt & the administration of Justice, yet they could not believe it extended to Legislation, either from yᵉ Language of the Commission it self, or from the Practice of other Govmts. The assembly pressed yᵉ necessity of proceeding to business for redressing of Grievances, & Considering other matters wch might not require phaps any positive Laws, but not being able to come to any certain Conclusion, the Represen-tives departed.

Willm. Lee of Philadia, Mercht., being the second person nominated at yᵉ Election of members, and returned for the office of Coroner, Pentecost Teague, yᵉ first named declining it, yᵉ said Willm. was sent for, and appointed Coroner for this year for yᵉ County of Philadia., and a Commission ordered to be drawn for that purpose, & then adjourned to second day at 9 in yᵉ morning.

At a Council held at Philadia., 18th 8br., 1703.

PRESENT :

Edwd. Shippen,
John Guest,
Saml. ffinney,
Caleb Pusey,
Jno. Blunston.

The Council meeting waited for some time, & then adjourned to 3 in yᵉ afternoon.

POST MERIDIEM.

PRESENT :

Edwd. Shippen,
John Guest,
Tho. Story,
Griffith Owen,
Caleb Pusey,
John Blunston.

A message of 3 members from yᵉ assembly, together with yᵉ recusant membr, Griffith Jones, applying to ye Board, acquainted ye Council That they were commanded by the House, to request this Board that they would admitt the said Griffith Jones, to be qualified upon his promising allegiance to ye Crown & ffidelity to ye Govenr, being ye whole that is enjoyned (they say) by ye Proprys Charter, & ye Law of this Province, to wch it referrs all beyond that being in their Judgmt an Imposition upon their privileges.

To wch ye President answered, That allegiance to ye Crown being required, ye Council must answer as before, that ye Law of England Seeing it carried no hardship wth it, was ye fittest to prescribe ye method of taking that allegiance, our own Laws not mentioning it, and that ye Council having come to a Resolution on this head before, could give no other answer, upon wch they withdrew.

Peter Lester, Presented a petition Shewing That Richd. Hogan, ye said Peters Servt. some time before ye last Quarter Sessions in Philadia, by a forged lettr, possessed himself of several goods of Hugh Durborow, for wch fforgery he was indicted at ye sd Sessions, & Convict thereof, & Judgmt past upon him to pay 1£. 11sh. 10d. and suffer three months Imprisonmt as ye law directs; but ye said fine & Imprisonmt being very hard on ye Petitioner, the sd Hogan not being able to make restitution, He prays that ye Council would be pleased to Discharge him from his Imprisonmt & mitigate ye fine, &c.

But whereas, it appears that ye sum mentioned was what ye Law requires for Damages; tis resolved, that it cannot be eased or remitted. Hugh Durborow was sent for, & being examined whether he had recvd Satisfaction for his Damages, he answered he was satisfied, And the sd Peter, or his assigns, engaging to carry the Criminal out of ye Province; 'tis ordered that ye sd Imprisonmt be remitted according to ye Prayer of the Petition.

Rowld. Ellis & Joseph Growdon, elected members for this present Assembly, being come up from their respective Counties were introduced by two other members, and desired to take & Subscribe ye usual qualifications; wch accordingly they did, and then ye Council adjourned to 10 in ye morning.

At a Council held at Philadia, 19th 8br, 1703, A. M.

PRESENT:

Edwd Shippen,
John Guest,
Thomas Story,
Griff. Owen,
Caleb Pusey,
Jno Blunston.

Francis Cook and Thomas Pascal, presented a Petition directed to ye Governr, Council and Assembly, for a Replevin, wch it appeared had been first presented to ye Assembly, & read there, before ye Council was acquainted therewith. Ordered therefore, that ye said Petition be rejected; & Francis Cook, who manages yt affair be reprehended for his Insolence, in presenting to y^e^ Assembly as aforesaid.

But because y^e^ Replevin requested is for a Redress to y^e^ Children of Jno Moll, deceased, upon a Damage done their Estate, as is alledged by an Execution agst John Jones, present Husband of the sd Molls, Relict & Levied by y^e^ Sheriff, as is said on y^e^ said Childrens Goods; 'tis therefore Orderd,

That upon presenting a Regular Petition to this board, y^e^ sd Replevin be forthwth granted.

At a Council held a Philadia, 20th 8br, 1703. A. M.

PRESENT:

Edwd Shippen, Pres.	Saml ffinney,
Jno Guest,	
Tho Story,	Caleb Pusey.

Four members from y^e^ Assembly came in a message to this Board, Requesting by orders of y^e^ House, that y^e^ Council would Communicate to them y^e^ Instrumt signed & Seald at New castle, & delivd to Govr Hamilton by y^e^ Proprietary, for passing y^e^ Charter of Property then prepared for execution, & what else has been sent for y Propry relating to y^e^ same.

The Board told them they would consider of it & send their answer, And y^e^ said papers being inquired for & produced by y^e^ Secry, It was ordered, that a Copy of each should be forthwith drawn & certified by y^e^ Secry, to be sent to them, wch was accordingly done, & it was ordered they should be sent accordingly.

A message by two members from y^e^ Assembly, Informed y^e^ Council by Ordr from their House, that they were waiting for y Councils answr & therefore Craved them to be pleased to send it.

Upon wch y^e^ said Copies were delivered to these members, with an ordr from y^e^ Board, desiring y^e^ attendance of y^e^ whole house forthwith.

After some time, Jos Growdon, Isaac Norris, Jos. Wilcox, Nicholas Waln & Saml Richardson, by Ordr of y^e^ House, presented themselves to y^e^ Board, Informing that y^e^ Assembly being now near a Close for this Juncture, & employed about finishing their Minutes, could not conveniently attend in a Body, & therefore had appointed them to treat with y^e^ Council upon such subjects as the Council desired y^e^ attendance of the House.

The President informed them the Council had come to a Resolution, that time being so far spent, and some of y^e^ members of this Board obliged to depart, they were willing to confer with them concerning the time at which they would think it most proper to meet again.

The Representatives said, that seeing the Council appeared unwilling to proceed to business, y^e^ House had come to a Resolution to adjourn to y^e^ first of y^e^ 3d moth next; The President desired to know what they meant by adjourning for so long a time, or what power they claimed so to doe. They answered, that by y^e^ Language of y^e^ Charter, they understood it was their right to sitt wholly on their own adjournment during y^e^ whole year. This the Council could not allow of, y^e^ words of y^e^ Charter not importing it, nor y^e^ practice of England, or any other Govmt giving any President for it, and sometime being spent in debating it, y^e^ Representatives withdrew without coming to any further conclusion; Upon wch it was unanimously agreed on that y^e^ Council should prorogue y^e^ assembly forthwith, & in ordr thereunto y^e^ Secrey was sent in y^e^ name of y^e^ Council, to require their attendance of y^e^ whole House immediately.

The Secretary returning, informed that y^e^ House was broke up & had adjourned to 4 in y^e^ afternoon, as he was informed by y^e^ Speaker; upon wch y^e^ Council also adjourned to y^e^ sd Hour, having first signed a Replevin wth an alias & a Pluries, as yesterday Ordd.

POST MERIDIEM.

PRESENT, ijdem qui antea.

Two members from y^e^ assembly appeared & declared to this Board, that by ordr of the House, they were to inform y^e^ Council that y^e^ assembly had adjourned themselves to the first day of the third month next, unless y^e^ Council should have occasion to call them before that time, upon wch y^e^ Presidt Informed y^e^ said members, that y^e^ Council had Prorogued, y^e^ Assembly to y^e^ said first day of y^e^ 3d month, & desired y^e^ sd members to acquaint the house of y^e^ same, and accordingly y^e^ assembly is hereby prorogued to y^e^ sd first day of the third monht next ensuing.

At a Council held at Philadia, 16th 9br., 1703.

PRESENT:

EDWD. SHIPPEN, Pres.

John Guest,
Saml. Carpenter, } Esq'rs.
Griffith Owen,
Saml. ffinney. } Esq'rs.

A Petition from Humphrey Ellis, Danl. Lewis, & 58 other subscribers, the Principal Inhabitants of y^e^ Welch Tract, was read, Shewing that most of y^e^ sd Petitionrs being purchasers & Possessors of Land, & Divers of them Inhabitants in & about y^e^ Township of Goshen, in y^e^ said Tract, had no Lawfull Road laid out by due authority, leading from y^e^ said Township of Goshen to Philadia, their chief present market, by reason of wch being greatly incommoded; they therefore pray, That because a Road laid out as aforesaid may be of general Service to y^e^ Countrey, by being y nearest & directest way to y^e^ uper settlements upon Brandywine, & may conveniently be continued to Susquehannah, this board would be pleased to ordr that such a road may be laid out as aforesaid, leading from ye said Township through ye Township of Haverford, by Haverford meeting House, to ye Citty Philadelphia.

Upon ye Consideration of wch, it was further represented, That there had been already two Roads laid out or proposed, the County of Chester, to ye said Township, but the persons concerned not being able to agree about ye said roads, & neither of them being laid out by a sufficient authority for a General or Great Road through the whole Countrey; It now lies before this Board, to order & settle ye same, upon all which,

Tis ordered, That Samll. Richardson, David Lloyd, Rowland Ellis, Wm. Howel, Willm. Jenkins, and Richard Thomas, all Inhabitants of ye County of Philadia, doe view the said two Roads as now laid out or intended in ye County of Chester, & viewing also ye Ground between ye sd Roads & Philadia., & between Goshen and Brandywine, they ye said persons doe forthwith lay out & survey one Direct road of fifty foot in breadth, as convenient in all respects, as may be both to ye Inhabitants & Settlers of ye Interjacent Lands & Travellers, Leading from Willm. Powels Ferry, on SKuylkill, & passing by Haverford meeting House to ye Principal part of Goshen Township, and thence continued in a direct course to ye upper settlemts on Brandywine, & Return ye same with all its courses to this Board, in order to a Confirmation.

Ordered, upon ye application of Tho. Grey, That ye Secretary pay him out of ye money he shall receive for Licences to publick houses, twenty four shills. for his Journey to Chester, with a Dedimus to qualify ye Justices, and then adjourned to 7th day at 10 in ye morning.

At a Council held at Philadia, the 20th 9br, 1703.

PRESENT:

Edwd Shippen, Presidt. Tho Story,
John Guest,
Saml Carpenter, Saml ffinney.

James Logan, Receivr Genl, making Complaint to this Board, that the ffines of ye several Counties had not been Levied, or returned. Tis Ordered, That all ye Sherifs of this Govmt be forthwith respectively required to Levy ye fines due to ye Proprietry in the Respective Counties, and without delay return ye same, as they will answer ye Contrary at their Peril.

Upon a Certificate & Application, made by ye Clerk of ye County of Bucks, That a Commission be Issued according to Law, to some persons in ye said County, for ye Trial of a certain negroe, lately presented for certain heinous Crimes, by ye Court of Quarter Sessions of y^t said County. Ordered, That a Commission be forthwith prepared as requested, directed to Richd Hough & Samll Dark, to be a standing Commission for that purpose. Saml. Harriott took his affirmation according to law, for Registring y^e sloop Dove, y^e Dept. mastr, Burthen 55 Ts.

A certain mulatto having been taken Prisoner in a Spanish vessel, by an Engl. Privateer, & carried into Barbadoes, was afterwards brought to this Port by one Husk, master, of a sloop from Jamca, in y^e quality of a slave; and y^e said mulatto Protesting that he was born free, of free parents, had ever lived so, and could not be now made a slave by his capture, but a prisoner of war, therefore made his application to this Board for Relief. But his application & Evidence not being sufficiently plain, tis Ordered that next 2d day y^e 22d Instant he give it in writing, to wch day y^e Board adjourns.

At a Council held at Philadia, 7th 10th br, 1703.

PRESENT:

Edwd Shippen, pres.
John Guest,
Griffith Owen,
Saml. ffinney,
Caleb Pusey.

Edward Thurston, made oath before the Collector, according to Law, for Registring y^e Sloop Greyhound, Wm Wade, Mr. Burthen ten Tuns, or thereabouts.

At a Council held at Philadia, 12 11mo. 1703-4.

PRESENT:

Edward Shippen, Presidt.
Samuel Carpenter,
Thomas Story,
Griffith Owen,
Samuel ffinney.

A Letter was offered by y^e Presidt to y^e Board, wch this morning he recevd from Burlington, & read, subscribed by Saml Jenkings, Tho Revel, Nath. Westland, & Robt. Wheeler, magistrates of Burlington, Importing that five french Prisoners having been taken by Ball and Baldrige in a Privateer, & landed some weeks agoe at Egg Harbour, in West Jersey, & carried up to Burlington by Danl. Cooper; they had thereupon wrote to the Lord Cornbury, who had directed that they should be sent to Pensylvania, they being (as he said) taken by a vessel belonging to the said Province; they had accordingly sent them down & were now at y^e Presidents house, upon which he craved y^e opinion of the Council what should be done with them.

And being taken into the Consideration of the Board, it was Resolved, that because the Information given to the Ld. Cornbury arose from a mistake, the Privateer that took the sd Prisoners not belonging to this Port, any otherwise than that he came in hither last summr, to victual here, and notwithstanding he was no way countenanced nor allowed in it by ye Govmt, carried off several of our men & some servts to their masters great damage, and because the said Prisoners were actually landed in ye Govmt of Jersey, & had continued there till this time. Therefore, that they should be sent back to Burlington, by ye messenger that brought them as soon as possible, but that in ye meantime they should be supplied with all necessaries at ye Charge of ye Govmt, to be paid by ye Secry, out of ye money recvd for Licensing publick houses, & that a Lettr should be prepared & signed by ye Council to this effect; to ye Ld. Cornbury & another to ye sd magistrates of Burlington, wch accordingly was done.

A Lettr from Coll Wm. Markham, to this Board was read, setting forth that notwithstanding ye Councils Commission to him, to be Register Genrl for the Probate of Wills, & granting Lettrs of Administration in pursuance of ye Proprs Warrt for that Purpose, & their ordr thereupon to Jno. Moore, late Register Genl, to deliver the files Papers & Seal of ye sd office, the sd Jno. Moore had refused to obey ye sd Ordr, & putt ye sd files Seal, &c. in his Possession, & therefore prayes that He may be impowered either to use his own seal for the present, or provide himself wth another seal for the sd office, till ye sd Jno. Moore may be compelled to deliver the said files Seal, &c., and that this Board would issue and Ordr to all ye Clerks of the Courts of this Govmt, to publish ye said Commission in ye sd Courts respectively.

Whereupon it is ordered, That the said Coll Wm. Markham, may use his own seal for ye sd office as is requested, and that for ye more regular holding of Orphans Courts, according to ye Law of this Province, the Clerks of ye several Counties are required in ye sd orphans Courts respectively to publish ye sd Commission.

Ordered, that for the greater sanction to Ordrs of Council, the Secretary affix ye lesser seal of ye Province to such of them as he shall see cause.

At a Council held at Philadia, 29th 11 mo., 1703--4.

PRESENT:

EDWD. SHIPPEN, Prest.

John Guest,	Tho. Story,
Saml. Carpenter,	Griff. Owen.

A Lettr from the Propry, dat 7th 4 mo. last, directed to Governr Hamilton, recvd 2 mo'ths agoe, & since in ye President's hands was offered to ye Board & Read, Inclosing a Lettr from ye Lds of Trade & Plantations to ye Propry, dated ye 21 3 mo. last, renewing ye Queens Orders formerly given to several Governrs & Proprietors of

Plantations, relating to the assistance to be by them contributed towards y^e^ charge of maintaining and erecting fforts, necessary for y^e^ security & defence of y^e^ Provinces of New York, &c.; and requiring the directions formerly given by y^e^ late Kings Lettr, dated the 19th Janry, 1700—1, to be put in execution, & that y^e^ Proprietary give strict charge to his Deputy Govr, to use his utmost Endeavours with y^e^ Council & Assembly, to induce them to a Complyance.

Which Lettr being duly considered, It is resolved That y^e^ Lt Governr being dead, & no power of Legislation remaining in y^e^ Council, nothing can be done therein till further Provision shall be made from Engld.

The President Complaining agst Andrew Bankson, one of y^e^ Justices of Philadia County. for irregularly marrying a couple lately according to law, but against y^e^ Prohibitions of y^e^ Parents. It is Ordered That y^e^ sd Andrew be sent for by y^e^ messenger, to appear before this Board 2d day next at two in y^e^ afternoon; also, that Capt. ffinney be present at y^e^ sd time in Council.

Judge Guest exhibiting to this Board a Complaint, that notwithstanding y^e^ Laws of this Govmt had erected Courts of Equity & y^e^ Justices, have a power also in their Commission for y^e^ same: Yet that to y^e^ great oppression of y^e^ People, there have been no such courts as yet held in pursuance of y^e^ present Law, the Rules of y^e^ said Court not having yet recevd so full a sanction as tis thought may be requisite.

Ordered Thereupon, That y^e^ sd Rules be produced to this Board next sitting.

At a Council held at Philadelphia, the 31st 11 mo., 1703--4.

PRESENT:

EDWD. SHIPPEN, Presidt.

John Guest,	Thomas Story,
Samuel Carpentr,	Griffeth Owen.

Andrew Bankson, according to order of y^e^ last Council, appearing before this Board, was questioned concerning his being present at a late marriage of Tho. Murray & Rebeckah Richardson, contrary to Law, and countenancing it as a Justice of y^e^ Peace; upon wch he declared that he was wholly ignorant of its being illegal, & was heartily sorry for what was done, promising that whether he should continue in Commission, or otherwise, this should be such a caution to him as to prevent him of committing the like for y^e^ future, & being severely checked, was dismissed.

George Lowther, also was sent for & questioned concerning a License said to have been granted by y^e^ Lord Cornbury, for marrying y^e^ sd persons in y^e^ Province of Jersey, upon a letter from y^e^ sd Lord, a Copy of wch was produced,) by Rebeckah Shippen, assuring her that he had heard of no application for that purpose, & should not grant one if applied for But the sd George Lowther, Sending forth the sd License, produced it, & being viewed carefully, it appeared to be authentique.

At a Council held at Philadelphia, 3d 12 mo, 1703-4.

John Evans, Esqr., arriving at this Citty last night, with a Commission from Willm. Penn, Esqr., Propry & Governr, constituting him ye said Jno. Evans, his Lieutenant Governr of this Province of Pensylvania & Counties annexed, with ye Queens Royal approbation of ye same, in a Council held at Hampton Court, ye 30th July, 1703. The said Commission & approbation, were this day published at ye market place, in solemn form & order: the sd Governr being present, & attended with the Council of State, the mayor, alderman & Council of Philadelphia Citty, the Principal officers, Gentlemen & Inhabitants of the place, from whence returning to ye Council Chamber, The Governr took ye Chair & held a Council.

PRESENT:

Edwd. Shippen,	Esq'rs.	Tho. Story,	Esq'rs.
Jno. Guest,		Saml. ffinney,	
Saml. Carpenter,		Caleb Pusey.	

The Proprietrs Commission to his Council, bearing date ye 28th of 8br., 1701, was read to ye Governr, who thereupon acknowledged & declared ye members in ye sd Commission named, to be & remain ye Council of this Govmt, & accordingly desired that they would be pleased to assist him with ye best of their advice and Council, in matters relating to ye administration of Governmt, & ye Discharge of ye Trust reposed in him.

But for his Effectual Qualification for ye same, ye Governr desired to take the oaths Required by ye Law of England, to be by him taken, & accordingly by Judge Guest administred to ye Governor ye oath of allegiance or fidelity to ye Queen, the abjuration of ye Popes Supremacy & the Test; all wch he took & subscribed.

And for taking ye oath enjoyned by y acts of Trade, to be taken by Governrs of the Plantations, It is ordered, that there being a Quorum of ye Commissionrs in town, nominated by ye Late King in his Dedimus Potestatem, for administring the sd oath, (viz:) Coll Quarry, Jno. Moore & Jasper Yeates, they ye said Commissionrs should be summoned to attend the Governr at this Board, at 4 in ye afternoon, to which time the Council is adjourned.

At a Council held at Philadelphia, 4th ffebry, 1703-4, P. M.

PRESENT:

JOHN EVANS, Esqr., Lievt Governr.

Edwd. Shippen, Presidt.	Saml. ffinney,
John Guest,	Tho. Story,
Samuel Carpenter,	Caleb Pusey.

Coll Quarry, Jno. Moore & Jasper Yeats, according to the order of this morning, presented themselves before the Governr to know his pleasure.

The Governr informed them that by an Instrument under yᵉ Great Seal of England, now before him, he found yᵉ sd Gentlemen to by yᵉ proper persons he was to apply to for taking yᵉ oath, appointed by yᵉ Laws of Trade, to be taken by Governrs, for wch end he presented to them yᵉ sd Instrumt, together with yᵉ Queen's Royal Proclamation, dated the 9th March, 1701, for continuing in force all the late Kings Commissions till further order.

And After some small hesitation, concerning the Limitation of time mentioned in yᵉ act of Parliamt, recited in yᵉ sd Proclamation, & yᵉ explanation of yᵉ sd Limitation, in another act past in this Queens Reign; the sd Commissionrs administred yᵉ oath to yᵉ Governr & a certificate of yᵉ same was Indorsed on yᵉ Instrumt & subscribed by yᵉ Commissionrs.

Ordered, That a Proclamation be forthwith drawn for Continuing all Commissionrs in this Govmt in force till further Ordr: to be laid before yᵉ Governr in Council, to morrow at four in the afternoon, to wch time yᵉ Council adjourned.

At a Council held at Philadia, ffebry yᵉ 4th, 1703-4, P. M.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr,

Edwd Shippen,	Saml. ffinney,
John Guest,	Caleb Pusey.
Samll. Carpenter,	

A Proclamation for continuing of officers, according to yᵉ order of yesterday being prepared, was read & ordered to be Engrossd, Passed & Published, & then the Governr acquainting yᵉ Board that it would be convenient to consult about calling an assembly. He was informed that there is an Assembly in yᵉ Province now in being separate from yᵉ Territories. in Pursuance of a certain Charter of Priviledges, left by yᵉ Proprietary at his Departure, wch had occasioned some Difficulty's. The Governr therefore thought fitt that untill he could have time to acquaint himself with yᵉ said Charter, & Proceedings thereupon, the Council should be adjourned; & accordingly it is adjourned to second day next, (Monday,) at 10 in yᵉ forenoon.

At a Council held at Philadelphia, 7 ffebry, 1703.

PRESENT:

JOHN EVANS, Lieut. Governr.
Edwd Shippen,
John Guest,
Saml Carpentr,
Tho. Story,
Griffith Owen,
Saml. ffinney,
Caleb Pusey.

The Governr informed ye Board, that according to the Proposal of last Council, he had acquainted himself as far as in the time he could, of what had lately past in this Govmt, in relation to ye assembly, & found that the Governr has taken great pains to preserve ye state of affairs in good order & unity, but because ye subject now in hand seems of great importance, & ye Council for this Govmt as left by ye Proprietry at his Departure, is weakened by Death, or absence of some of ye members, the Governr therefore proposes that an addition of members may be made to ye Board; which being agreed to & certain persons named for that purpose. It is Ordered, that such as are concluded on shall receive an Invitation, & then adjourned to three in the afternoon.

POST MERIDIEM, ho. 3ia, Iidem qui ante.

Roger Mompesson, Esq., Judge of ye admty & Counsellor at Law, was called to the Board & took ye oath of a member of Council, & then Orders being given to Invite ye Proprietrs son to ye Board, that he may at all times have ye Priviledge of taking a place when he shall think ffitt; also, to invite Jno Bewly, Esqr., Collectr of the Queens Customs, to ye Board. The Council adjourned to ten in ye morning.

At a Council held at Philadelphia, 8th 12th mo., febry, 1703-4.

PRESENT:

JOHN EVANS, Lieut Governour.
Roger Mompesson,
Edwd. Shippen,
John Guest,
Saml. Carpenter, Esq'rs.
Tho. Story,
Griff. Owen,
Saml. ffinney,
Caleb Pusey. Esq'rs.

William Penn, Junr., ye Proprs Son, was called to ye Board & took the affirmation of a member of Council. James Logan, Secretary, was called to ye Board & took ye affirmation of a member of Council.

A Proposal having been made, that there should be chosen some members also out of ye Territories, it was moved that there might be at least one out of each County. That Willm. Clark, being by ye Proprietrs Commission a member, might suffice for Sussex, & that for Kent, Willm. Rodney, who is now in Town, might be the most proper person, wch was Resolved, & Ordered that Willm. Rodeney, should forthwith before his Departure from town be called to this Board, & admitted a member of Council.

The Secry reported, that according to order, he had discoursed Jno. Bewly, who answered that he humbly thanked y^e Governr & Council, for honouring him with the offer. That he should be extreamly pleased to serve them in any thing within his power, But that this he doubted, might in some measure by malevolent Interpretations be construed to interfere with his present Post, under her Majesty & the Commissionrs of y^e Customs, & therefore craved to be excused, assuring y^e Governr, notwithstanding that he should omitt no opportunity of serving him & y^e Governmt in all things in his power.

Willm. Rodeny, according to order, was called to y^e Board who took y^e oath of a member of Council. Judge Mompesson & Willm. Rodeny, took y^e Oaths of allegiance to y^e Queen; the abjuration of y^e Popes Supremacy & y^e Test & subscribed them: & then adjourned to tomorrow at 3 in the afternoon.

At a Council held at Philadia, 9th 12th mo., febry, 1703-4.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Roger Mompsson,	Esq'rs.	Griffith Owen,
Edwd. Shippen,		Thomas Story,
John Guest,		Caleb Pusey,
Saml. Carpenter,		James Logan.

William Trent, was called to y^e Board to be a member of this Council, & took y^e Oath for that purpose; the oath of allegiance, & the abjuration of the Popes Supremacy, & subscribed y^e same.

Richd. Hill was called to y^e Board to be a member of this Council, & took the affirmation for that purpose, y^e Declaration of fidelity to y^e Queen, and renunciation of y^e Popes Supremacy, & subscribed the same.

James Logan took y^e said Declarations.

William Trent, Richd. Hill and James Logan, took y^e Test & subscribed the same in order to their qualifications, and then adjourned to 9 in y^e morning.

At a Council held at Philadia, 10th 12th mo., febry, 1703-4.

PRESENT:

JOHN EVANS, Esqr., Lieut Governour.

Willm. Penn, Junr.,		Griffith Owen,	
Roger Mompesson,		Caleb Pusey,	
Edwd. Shippen,	Esqr's.	William Trent,	Esqr's.
John Guest,		Richd. Hill,	
Samuel Carpenter,		James Logan.	

The Governr proposed to y^e Board, That y^e Council being now strengthened by the additions made of a suitable number of members of y^e Province.

The first subject that should claim their thoughts & care, would be y^e calling or holding of an Assembly. In order to wch it would be requisite fully to enquire into & Consider the proceedings of this Governmt, in relation to an assembly, since the last that was held, wch was before y^e Proprietors Departure, & thereupon,

It was ordered, That y^e Charter of Privileges granted by y^e Proprietary to y^e People at his Departure, with all the minutes of Council since that time relating to the calling or meeting of an Assembly, should be read. And accordingly they were read by y^e Secretary, together with other papers relating to y^e same. And several discourses arising thereupon, y^e Council adjourned to Saml. Carpentrs house, at 4 P. M.

At a Council held at Saml. Carpentrs House, in Philadelphia, 10th 12th mo., 1703-4, P. M.

PRESENT:

Iidem qui ante, & Tho. Story.

It appearing to y^e Council, that by y^e several Writings read in y^e morning, That in Pursuance of a certain clause in y^e close of y^e Charter aforementioned of Priviledges, Several Steps had been made towards a Division of the Province & Territories in Legislation, wch had been Strenuously opposed from time to time by y^e Governr & Council. Upon y^e whole it was Resolved, That considering the Province & Territories had ever hitherto been joyned in one Government, & were now continued so, both by y^e Proprietrs Commission to & y^e Queens approbation of the present Lieut Governr, and because it may be justly feared, that y^e Consequences of a seperation, may prove very injurious to both; therefore, notwithstanding all the advances that have been made towards a Separation, all Endeavours should be used to keep the whole still united together, as well in Legislation as administration.

Ordered, That for the better understanding of y^e affairs of y^e Lower Counties, some of y^e principal persons of y^e same be admitted to this board, and that Jasper Yeats, being now in town, be forthwith invited to the same, by Willm. Trent & James Logan, & then adjourned till morning.

At a Council held at Philadia, 11th 12th mo., 1703-4.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Edward Shippen,	Willm. Trent,
John Guest,	Richard Hill,
Samuel Carpentr,	James Logan.
Caleb Pusey,	

Jasper Yeates was admitted to the Board, & took ye oath of a member of Counsil. The oath of allegiance ye abjuration of ye Popes Supremacy, & the Test, and then adjourned to ye 15th Instant, in ye afternoon.

At a Council held at Philadelphia, 21st 12 mo., 1703-4.

PRESENT:

JOHN EVANS, Lieutent Governour.

William Penn, Junr.,	Tho. Story,
Roger Mompesson,	Griffith Owen,
Edward Shippen,	James Logan.

Antonia Garcia, ye mulatto who appeared before this Board, ye 20th 9br. last, presenting himself again, humbly requested that the Governr & Council would be pleased to suffer him to depart, or that they would dispose of him as a Prisoner of Warr, seing that ever since his last appearance here, now three months agoe, there had no proof been made of his being a Slave, & he had produced an affidavit made by one Emanuel de la Costa, with many other arguments for his being a freeman & a Christian.

And Doctr. Charles Sober, appearing in behalf of one Alexandr ffforrester, of Barbadoes, who claims the said Mulatto for his Slave, but being able to offer nothing to the Board, as a cause for his detainer, more than his employers order to take care of & sell him. 'Tis ordered, that the sd mulatto be dismissed from all further attendance on this Board.

At a Council held at Philadelphia, 21st 12 mo., 1703-4. P. M.

PRESENT:

JOHN EVANS, Esqr. Lieut. Governour.

Roger Mompesson,	Samuel ffinney,
Edward Shippen,	Willm. Trent,
John Guest,	Jasper Yeats,
Samuel Carpenter,	James Logan.
Tho Story,	

Orders having been given to ye Secretary, to prepare the form of a writt, to be sent down in yᵉ three Lower Counties, for Electing four members for each County, to serve in Assembly, & to meet the Governr (according to agreemt upon a Conference had lately at New-castle, between the Governr & some of the principal Inhabitants of the sd Counties, at Philadia, sometime about the beginning of April next, for that purpose a form of a Writt with Blanks for yᵉ times of electing & meeting was offered, read & approved, and for yᵉ day of Election yᵉ 21st of March next was appointed, & for the day of meeting the Tenth of April next; then ordered, that the said writts be forthwith expedited & dispatched away to yᵉ respective sherifs of yᵉ said Counties.

At a Council held at Philadia, March 4th, 1703-4.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Roger Mompesson,	Saml. ffinney,
Edwd. Shippen,	Willm. Trent,
John Guest,	James Logan.

A Petition from Saml. Lowman, Esqr. late Collectr of yᵉ Port of Lewis (now of New Castle) was read, setting forth That in 1700 he recevd a Lettr from yᵉ Secretary by yᵉ Proprietr & Governrs orders, desiring his presence at Philadia, as Evidence against certain persons of yᵉ sd Port of Lewis, who had illegally traded with some belonging to Capt. Kidds ship, the Pirate, & were then apprehended for the same, that accordingly he came to Philadia, and had attended three weeks, in wch time he had been at Considerable Expences without any Consideration hitherto had for the Same; he therefore prayed the Governr and Council that they would be pleased to Order that the Receiver General who had received some part of yᵉ said pirates goods & effects, should make him satisfaction for his Expences of time & trouble. Ordered that yᵉ sd Petition ly before this Board to be considered.

At a Council held at Philadia, 22d 1st moth, 1703-4.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Roger Mompesson,	Saml. ffinney,
Edwd. Shippen,	Caleb Pusey,
Griffith Owen,	James Logan.

Coll. William Markham, making application to this Board, exhited, That whereas, in pursuance of an order from the Proprietr directed to his Lieut. Coll. Andrew Hamilton, the Counsil on whom yᵉ Governmt upon yᵉ sd Lieut's Decease had granted him yᵉ said Willm.

Markham a Commission under the Great Seal of this Province & Territories, to be Registr Generl of ye same, and had also granted an order under ye Lesser seal directed to Jno. Moore, Esqr., late Register General, to deliver to him ye sd Coll. Willm Markham ye Seal of ye said office, together with all ye ffiles, Records & Papers, belonging to ye same, notwithstanding all which ye said Jno. Moore refused to deliver ye said Seal ffiles & Records, but in contempt of authority still keeps them in his custody, & continues to exercise ye sd office though Superseded therein by ye aforesaid Commission, whereupon ye sd Coll. Markham craves relief from this Board, & prayes that ye authority of his Commission may be supported, and that according to its Tenour, & ye Powers thereof he may be fully invested in ye sd office, &c.

Ordered, that the sd John Moore, Summoned to attend ye Board at ye next sitting, to give his reasons for refusing as aforesaid.

A french Letter from —— Letort, the french woman at Conestogoe, directed to Edward ffarmer, bearing date the 15th Instant, being brought to ye Governour. Informing that ye Towittois Indians had come down & cut off two families of neighbour Indians at Conestogoe, & that they were all there under great apprehensions of further mischief from them, & were preparing to demand succour of this govermt in case the disorders should continue. The Governr laid the said Letter before the Board to be considered how far the sd Information ought to be regarded, & would be judged necessary to be done therein.

Resolved, that some messenger or messengers be forthwith dispatched away to Conestogoe, by way of Newcastle, to know ye true grounds of the sd Information, ye Relation as it now appears being somewhat suspicious.

James Logan, Receiver General for ye Proprietry Complained to ye Board, that ye Collectrs of ye 2000 pounds Granted to ye Proprietr had, (notwithstanding all the pressing Instances that had from time to time been used to them,) proved so remiss in Discharging their Duty therein, that a great part of it remained yet uncollected, & therefore pray'd that they might be obliged to render their accots at this Board, where the Cognizance of them properly lies.

Ordered, That this matter be taken into ye Consideration of this Board, & that it be moved at ye next meeting; then adjourned.

At a Council held at Philadia, March 28th, 1704.

PRESENT:

JOHN EVANS, Esqr., Lievt. Governour.

Roger Mompesson,	Caleb Pusey,
Edwd. Shippen,	John Blunston,
Samll. Carpenter,	William Trent,
Griffith Owen,	James Logan.
Samll. ffinney,	

John Moore, according to ye Ordr of ye 22d Instant, appearing before this board, & being demanded his answer to Coll. Markham's Complaint. He alledged that his office in Dispute, was his Property & freehold, & conceived it to be a point of law, & therefore pray'd he might not be obliged to answer it here, but be left to a Tryal at yᵉ Law, where he Judged it properly lay; and accordingly it is left to be decided at yᵉ Law.

James Logan renewing his application that yᵉ Collectors of yᵉ 2000£, granted to yᵉ Proprietary, having failed in their respective Duties, may in pursuance of a Clause in the act of assembly that grants the same, be summoned to attend this Board forthwith, to answer for their neglect.

Ordered thereupon, that Tho. ffarmer, Jno. ffurnesse, Willm. Tonge for Philadelphia; Andrew Job, Jno. Hoskins & Henry Hollingsworth, for Chester; Edwd. Mayes, Claus Johnson, Willm. Biles, Tho. Stackhouse, &c. for the county of Bucks, be summoned to attend this Board forthwith, to answer for their neglect in Collecting yᵉ sd Tax within their several Districts; also that accounts be forthwith Demanded from yᵉ three Lower Counties, concerning the Quota's of their several Counties.

Also, upon yᵉ Complaint of Saml. Carpenter, Provincial Treasurer of this Government, that yᵉ Levies of a penny per pound granted In the year 1700, at Newcastle, Intituled an act for yᵉ Raising of one penny per pound, & six shills per head for support of the Government, &c. had not been duly collected or paid in. Ordered, that yᵉ Secretary by order of this Board, Summon the Collectors of the same as before.

At a Council held at Philadia, 7th 2 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lievt. Governour.

Edward Shippen,	Willm. Trent,
Griffith Owen,	James Logan.
Richard Hill,	

Ordered, That a Commission be forthwith prepared for yᵉ Provincial Judges, to be filled up with names according to further directions as shall be given.

William Tonge & Joi rnesse, Collectors of the Levies, granted to yᵉ Proprietor for the County of Philadelphia, appearing before this Board, according to yᵉ order of the 28th ult., were required to render an acct of their Proceedings, in Collecting the said Levies. And William Tonge, producing an accot of 272£. 12s 2d recvd by him in Philadelphia, of wch he had paid to the Proprietrs Receiver, £151 10. 5., besides £16 7. 7., in notes in his hand remaining unpaid. 'Tis ordered, That yᵉ said Tonge, (all deductions being first made for Disbusments & allowances for his Trouble, according to Law,) forthwith provide Security for yᵉ paying of yᵉ Remainder.

And John ffurnesse, producing an acct of 143£ 5s 6d, of which he has paid unto the said Receiver, £120 7. 8., and alledging Disbursmts for Horsehire, & Satisfaction for his great trouble in riding through the Country. Tis ordered, that the Consideration of his accots be deferred for some further time.

At a Council held at Philadelphia, 10th April, 1704.

PRESENT:

JOHN EVANS, Esqr., Lievtenant Governour.

Edward Shippen,
Griffith Owen,
Caleb Pusey,
Jasper Yeats,
William Trent,
James Logan.

This being the day appointed for the Representatives of both ye Provinces & Territories, chosen for Assembly, to meet the Governr at Philadelphia. Three members of those of the Province being admitted, acquainted the Governr by a message from their House, that as many of them as were come to town were mett, & desired to know what Commands the Governr had to lay before them.

The Governr inquiring how many of their number were together, was informed there were 22 and 4 wanting.

The Governr desired them to withdraw, & they should have an answer; and it being Considered that ye Design now in hand, being to propose an Union between the Upper and Lower Counties, & those of the County of Sussex, not being yet come to town. 'Tis concluded to defer meeting ye sd Representatives till morning.

And the sd members being called, were informed accordingly.

The same members also psented two other members of ye Prov., who had not been qualified before, that they might take & subscribe ye same Declaration that the other had done.

Which was also deferred till morning.

A message was sent to ye Representatives of Newcastle & Kent, being mett together to acquaint them the Governr & Council, were sitting & desired their attendance.

And being come, ye Governr desired they would meet him to-morrow at the same hour (viz. ten,) with those of ye upper Counties.

At a Council held at Philadia., 11th April, 1704, h. 11 mane ♂.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Edwd. Shippen,
Saml. Carpenter,
Griff. Owen,
Samll. ffinney,
Caleb Pusey,
Jasper Yeats,
Richd. Hill,
Willm. Trent,
James Logan.

The Council mett and adjourned to Joseph Shippens House, at 4 in the afternoon, at wch time & place it was appointed to meet ye Representatives both of Prov. & Territors.

POST MERIDIEM, hora 4ia, Iidem qui ante.

Griffith Jones & Joseph Wood, being introduced by two other members of ye Province, took & subscribed ye same Declaration that ye other Representatives did in Octobr last.

The same members desiring to know when the Representatives of ye Province might attend ye Governr, were answered forthwith.

And the house of Representatives having in ye morning desired that the above memtioned Declaration might be communicated to them, which was done, they returned it to ye Board, desiring in the name of the house that they might have a Copy thereof certified by ye Secretary, which was granted.

The Representatives of the Province, with their Speaker at their Head, Presented themselves before the Governr & Council, & those of Newcastle & Kent, Who alone were come up, being called into the Chamber; The Speaker repsented that he had in command from the House, to address ye Governr & Council, & desired that in order to it they might be by themselves in the Chamber, without any mixture of other members then their own & the Council, upon wch those of the lower Counties withdrawing: The Speaker said,

That in behalf of ye Representatives of ye freeholders of this Province, he was to acquaint ye Governr, That they were formerly chosen in pursuance of the Proprs Charter to the People, & had mett & were adjourned to the first of ye third month next, unless the Governr of this Province had occasion to meet them sooner.

That since his arrival he had been pleased to Issue his Summons, & appoint them to meet at this time, & that they were extreamly glad of the opportunity of paying their respects & Duty, (as a House,) to the Governr & the Council. That what commands the Governr might have in charge, either from the Crown or ye Propr to lay before them, they were ready and Desirous to take them into Consideration, & hoped they should discharge their duties therein with all due respect & dispath, as the matters should require that it was some surprize to them to find any other persons in ye Room besides this Board, believing they had no business at this time to meet with any other.

The Governr told them he was willing before they proceeded to any Business, to give them his sentimts in general of what methods would be most proper for them to take, & that it would be most suitable for for those of ye upper and lower Counties to be together.

The Speaker insisted on it that they of ye Province were a House of themselves, & it might they feared infringe their Priviledges to admit any other, that this was all he had in charge & could proceed no further.

It was moved at length that they might withdraw to their House, and there consider of what the Governr had said & give their answer, & accordingly they wthdrew.

Two members from the House desired to know whether the Governr & Council would sit long enough this evening to receive their answer.

They were answered it was now late, & therefore the Council would adjourn till to-morrow at 9 in the morning, at the same place.

At a Council held at Philadia, 12th Apr., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Edward Shippen,	Jasper Yeats,
Saml. Carpentr,	Richd. Hill,
Griffith Owen,	Willm. Trent,
Saml. ffinney,	James Logan.
Caleb Pusey,	

A message from the Representatives of the Province having been sent to the Governr before sitting, to know when he would be pleased to receive them, to which it was answered, they should know by a messenger from the Board. It is ordered, That the Secretary inform them that the Council is Sate, & desires the attendance both of those of the Prov. & Territories.

The Representatives of the Province psented themselves ready to receive the Governours Commands & know his pleasure, & those of the Territories were also called & all being mett.

The Governr told them he could not but be sorry he had mett with any Disappointmt in his intention of speaking to them yesterday, but believed it arose from a misapprehension & groundless fear of an Infraction of their priviledges, of which he should ever be very tender. That at the first time he mett with them, he could have wished there might have been nothing like a rub, but hoped their perfect Concord & Harmony for the future could make amends for it. That what he had to say he had committed in writing, and notwithstanding what had past he found no occasion to alter it, & therefore would deliver it as follows.

Gent: The Proprietary & Governr in Chief of this Province & Territories, having with her Majesties Royal appropriation, thought fitt to appoint Lieutent Governr of the same as well her Majesty, as the Proprietary have been pleased to give all necessary Power & Instructions for the well Governing the People thereof.

For the full Discharge of which 'tis needless to Inform any who are blest with the Priviledges of English men, that nothing is of greater Importance than a well Regulated Legislative Power, consisting in the Concurrence of those that are invested with the Power of Governmt, and the People whose Representatives you now are. The Compassing which happy End, as I am well assured, is one great Point of my Duty, So with Gods assistance it shall be y^e utmost of my Endeavours.

But I was not a Little Surprized Gent. at my arrival in this place, to hear that within the Bounds of my Commission there had been any tendency to a Division in the Legislative Power, Happily settled by our Constitution in an Assembly of the ffreeholders of the Province & Territories, since the first errecting of this Governmt. I have been pleased to hear that you have all hitherto been United in one Body in your Assemblys, and in them have Joyntly Enacted Laws by which you have been peaceably Governed & fflourished at least Equally for the time to any Collony in America.

And I should be Exceeding Sorry should it prove my misfortune & yours, to find you who have gone thus Happily together, to Proceed on my arrival to break that union, and Confirm by act a Seperation that I must believe was the unhappiness of y^e^ place to have ever laid any foundation for.

I am well assured Gent, by all my orders, that her Majesty Considers both this province and Territories as one Intire Govermt, and both the Royal approbation and my Commission tell me that I ought to use my utmsst endeavour to keep them so.

Your Publick Interest also, I suppose, will no less clearly Inform you that you are by that so Inseperably united that neither can, without great loss and Inconveniency, suffer a division.

Unity and Concord are the greatest Cement of Publick Happiness and tis no small part at this time of y^e^ Glory of England, that in the Legislative Powers there the Parliament is in harmony and Union.

I must therefore Gentlemen, Earnestly Press both you the Representatives of the Province, notwithstanding y^e^ stepps already made to a seperation, and you of the Lower Counties, who upon our Consultation at New Castle with some of the prin. of you on this head, thought it requisite to meet here to deliberate & consult on this Important affair. That Conferring by yourselves, and together as there shall be occasion, you would take the speediest and Properest measures to form yourselves, by an amicable agreemt, into a Condition that may Enable you Effectually to proceed to the Consideration of such methods as the service of her Majesty, This Govermt, & our Common Interest and Safety may require, & which I must lay before you. The different numbers of Representatives need not be any obstruction. Your business together being not now Immediately to proceed to voting, but to find means to put youselves joyntly into a fitt Condition for it.

I must Recomend to you Gent, both of the Province & Territories, that you would use your utmost dispatch in this affair, that wee may the more speedily Proceed to such other Business as our Circumstances may Require to be Expedited.

To which the Governr added, that they had now an opportunity of doing themselves a kindness, effectually greater phaps than they might reasonably expect to see again, that their friends would expect they would use it accordingly, & that they could doe nothing that would oblige their Enemies more than to neglect it. He hoped they would Improve it to the best advantage, and by all means study Unity, and a perfect agreement, & further recommended to those of the Territories, being strangers amongst them, for conferring & Consulting whether together or asunder, upon which they were dismissed, the Governr having first given to the Speaker his Speech in Writing, and the Council adjourned to P. M.

POST MERIDIEM, hora. tertia, Iidem qui ante.

A Petition from Wm. Howston was read, shewing that one George Lamb, of Newcastle, did unduly obtain Judgmt agst the Petitionr, upon wch Execution has been awarded. That the Petitionr obtained a writt of Error from y^e^ Governmt, but that the Justices would not allow it, and therefore prayes that the Premises may be taken into Consideration, and that the Governour & Council may order the sd writt to be allow'd.

Which Petition being considered with the law that directs the Issuing of Writts of Error. Tis ordered, That Inquiry be made into the Truth of the said Representation, and that it be further considered.

According to orders issued by the Secretary, in pursuance of an Order of the 28th of March, Edward Mayos, Peter Worrall, John Shaw, John Stackhouse, Claus Johnson, and a relation representing William Buckman, being all the Collectors of y^e^ Proprietaries Levies in Bucks, (William Biles excepted who is said to be sick,) appeared before the Board to render an acct of what they had done in the Collection of the said Levies, and to answer for their neglect.

Their accots not being regularly drawn up, could not be given in, and for their neglect they answered, they had not been wanting in their endeavours, but many difficulties arose which obstructed their Effectual prosecution.

It was finally proposed to them, and each of them in particular, whether they would incur the fine of five pounds each as laid by the Law, or proceed to the full discharge of their duty to the latter, of wch they all fully agreed, requesting that they might have their orders renew'd and reinforced.

Ordered thereupon that the Justices of the County of Bucks, be forthwith Required to grant new warrants for the Collecting of the said Levies, without delay, and that the said Collectors proceed to the finishing of the Collection with all expedition, and return accots thereof in two months at farthest after this day, and then adjourn to — Memdm this Evening the Governr received an address from the Representatives of the Province out of Council, in answer to his foregoing speech.

At a Council held at Philadia, 14th Apr., 1704, P. M. ♀

PRESENT :

JNO. EVANS, Esqr., Leivt. Governour.

Edward Shippen,
William Clark,
Samll. ffinney,
Griffith Owen,
Caleb Pusey,
William Trent,
Richd. Hill,
James Logan.

Three members from the Representatives of the Province, (viz: Isaac Norris, Joseph Willcox, and Joseph Wood,) came to acquaint the Governr, that in pursuance of what had been given them in Charge, as well as those of the Territories, they had proceeded in order to an Union, as far as they found themselves capable. That according to what they had promised, in their address to the Governr, in answer to his speech, (psented to him by the speaker out of Council,) they thought the most proper method to acquaint him fully with what had past, would be by offering Copies of the members of the Lower Counties proposals, and their Houses answer in writing: which accordingly they presented, & the Governr promising to send them at their Request, an account of his further pleasure by a messenger from this Board. They departed.

The Representatives of the Territories having also requested to wait on the Governour were sent for, and appearing, they presented the following Address:

To the Honorable IOHN EVANS Governr of Pensilvania and the three lower Counties.

The Humble address of the Representatives for the ffreemen of the said Counties:

May it please your Honr:

In Obedience to your writts, for Electing Representatives to serve in Assembly for our Counties, We have according to our duties, & the Trust reposed in us by the freemen of the same, made our appearance before yor Honr on the 10th instant, to have acted Legislatively in Assembly. But when we did observe by yor Honrs speech to the Representatives, for the Province & Territors. that you Judged it fitt that all Endeavours should be used in the first place for uniting of yor Goverment in one Assembly. Being very sensible of the Respect we ow your Honr, & being very well satisfied that you did at that time propose matters of the greatest Import towards the Interest, Quiet & Prosperity of the Goverment, have accordingly used our utmost Endeavours for an accommodation with the Representatives, for the Province, as yor Honr may see by our Proposals to them hereunto annexed, and since we are assured that our endeavours cannot prove successful on that account, as by their answer delivered unto us, (a Copy of which we have likewise affixed) does plainly appear:

We therefore doe humbly lay before yor Honrs Consideration, the Necessity there will be for to fall upon Methods, for a speedy &

effectual settling our Counties in a regular method of Government, that so Justice may be duly administered, the People preserved in their Rights & Liberties, and your Honrs Expectation from us answered; the which we think we have no reason to doubt, considering we are sensible, that all your Honrs actions since we had the Happiness to be under your Govermt, have so plainly demonstrated that your chief care is to promote the welfare & prosperity of the same. We conclude yor Honrs most humble servts.

Jno. Hill,	Wm. Rodeney,	James Coutts,
Wm. Bagwell,	Jno. Brinkloe,	Jno. Healy,
Robt. Burton,	Wm. Morton,	Roolof de Haes,
Richd. Painter,	Arth. Meston,	Isaac Gooding.

Which address having been read, the Governr told them he would consider of it & lett them know when he would be ready to give them his answer, but that he thought it would be first requisite to have a Conference between them and the Representatives of the Province, & for the time he would take care they should be acquainted, upon which they withdrew.

Ordered, that Saml. Carpenter and James Logan, goe with a message from this Board to the House of Representatives of the Province, & Inform them that they are to attend the Governr to morrow at nine in ye morning, in the great Chamber at Jos. Shippens, with power to discourse them concerning a further Union, and by what methods it might possibly be attained, and accordingly they went & the Council adjourned to half an hour after Eight in the morning, at Joseph Shippens.

At a Council held at Philadelphia, 15th 2 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lievt. Governour.

Willm. Clark,	Caleb Pusey,
Saml. Carpenter,	Richd. Hill,
Griff. Owen,	Willm. Trent,
Saml. ffinney,	James Logan.

According to the order of yesterday, a free Conference was held between the Governr and Council, the Representatives of the Province & the Representatives of the Territories. at which the Governr told them that That his most Earnest Desires were, as he had said in his speech, that the Province & Territories might come to a perfect union in Legislation. That he was sorry to find by what papers had been laid before him, that their Endeavours hitherto had proved no more effectual. That he looked upon it as an Incumbent duty on him to use the utmost of his Endeavours, that they might yet be happily brought to it, or if not, that he could not be satisfied without hearing the full state of the case, and their reasons on both sides discussed before him.

The Proposals of the Representatives of the Lower Counties were read, thereupon, also the several Clauses of the Charter by which the separation was made, an account of the Proceedings thereon, with all the papers of chief moment relating thereunto, that had past between the late Governor Hamilton, & the Representatives in 8br. & 9br., 1702, which laid the ground work of this Disunion; all which being heard & Considered, the Representatives of the Province persisted in their opinion, That without violating their Charter, they could not recede from what they had done, nor lesson or reduce their numbers. And those of the Territories, on the other hand, represented that they could not come in upon any other terms than those mentioned in their Proposals, (viz :) That each County, both in Province & Territories, should be Represented by four members & no more, according to the second article of the Charter, & both parties openly declared it to be their opinion, that as things now stand, it would be most suitable for each to act distinctly, to which they requested the Governrs Concurrence if he should think fitt.

But first, the Representatives of y^e^ Territories, explained that Paragraph in their proposals to the Representatives of y^e^ Province, in which they had offered to joyn them & accept of the Charter, if all the Counties might be by the same equal numbers, by declaring that they did not expect the Province should joyn the Territories now, upon this present Election, but that they were willing to wait the next Election, which should be of course by the Charter, (viz :) the first of October next, at which time according to Charter, each County might choose four representatives, and that in the meantime the Representatives, the present Representatives of the Province, might proceed as they should see cause, untill the time of the sd Election.

The Governr evidently perceiving that all Endeavours for an Union at this Juncture would prove fruitless, only recommended to them that they would take care in all their proceedings in relation to each other, to leave or prepare a way towards an Union for the future, tho it could not now be effected, & that they would study to advance a good understanding & Correspondence between each other to the utmost of their power.

The Speaker of the House of Representatives for the Province, humbly represented to the Governr, that they had been adjourned to y^e^ first of May last, at their meeting before his arrival, the time that best suited the affairs of the Country. That he had been pleased to summon them sooner, to meet those of the territories as they perceived, but their Conferences proving fruitless, and being come to a full stop, the members from the Countrey were very earnest, and the whole House had agreed to request the Governr that they might adjourn for 2 or 3 weeks; and in the mean time, they might by Committees be carrying on the most necessary business, wch might be as effectual (considering that the preparing & digesting of matters, is commonly the business, but of but a few) as if they should sitt y^e^ whole time without adjournment. The Governr replied he would considr of it & send them an answer.

He also acquainted those of the lower Counties, that they should know his mind further in relation to them on (Second day) Monday next, & they all withdrew.

The Request of the Speaker & Representatives of the Province being taken into Consideration, It was resolved, That they might now be adjourned till 3d day next, (Tuesday,) at which time the Governr would lay before them what he had further to propose to them, and afterwards they might, when their affairs were settled, be adjourned as they desired; and it is ordered, That Caleb Pusey, Richard Hill and James Logan, forthwith carry this message. Adjourned to three in the afternoon at the Counsil Chamber.

POST MERIDIEM, Iidem qui ante, Excp. Edwd. Shippen.

The members of this Board that were sent in the message before noon, to the Representatives of the Province, acquainted the Governour &c., that when they went from this board to the house they were rose, but that since Dinner, they had gone thither again and performed their message, and that they had answered they would consider of it, and send a message to wait further upon the Governor and Council about it.

A Petition from Nicholas Gateau, the french Cook, of this Town was read, shewing that when the administration of the Goverment was in the Council, he had preferr'd a Petition, praying that according to the Laws ot this Govmt, he might be naturalized in this Province and Territories; that his said Petition had been granted, and an Instrument prepared, but that by the Governors happy arrival the Execution of it was prevented, and therefore humbly prayes that the Governour would continue the same favour unto him, & that he might be naturalized.

Ordered, That the said Nicholas Gateau, upon his taking the requisite oaths, (viz:) fidelity to the Queen, the abjuration of the Popes Supremacy, & fidelty to the Proprietary, be naturalized, & an Instrument prepared for it according to Law.

Martin ———, a frenchman, who has long lived among the Shawanah Indians, & upon Sasquehannah, being come last night to this town was sent for, & examined by the Governour, in relation to himself, the Indians, & those that had lately left Conestogoe. And there not appearing sufficient occasion to put him to any further trouble, he was dismist under solemn engagements, to be true to the Goverment, & Inform of whatsoever might come to his knowledge worth notice.

A message from the Assembly of the Province, being sent to this Board, acquainted the Governour that their House finding by the last, sent them from this Board, That the Governour had appointed them to meet him on third day next, understanding that to be a time that might best suit their Conveniency, craved leave to request the Governour, that they might wait on him on Second day next, which would be more Convenient for the Countrey than the other.

With which the Governour Complying, they departed, & the Council adjourned to Second day (Monday) next, at three in the afternoon.

At a Council held at Philadia, 17th, 2 Mo., 1704, P. M. ho. 3ia.

PRESENT:

JOHN Esqr., Lieutenant Governour.

Edward Shippen,	Jasper Yeats,
Samll. Carpenter,	William Trent,
Willm. Clark,	Richd. Hill,
Caleb Pusey,	James Logan.
John Blunston,	

Jeremiah Langhorn & Tho. Stevenson, Two members from the Representatives of the Province, waited on the Governour & Council, desireing by orders from the House, to know if the Governr had any thing to propose to them.

To whom the Governr Replied, that he desired to speak with the whole House at this Board Immediately.

The Speaker with the whole House of Representatives of the Province, attending the Govornr, He was pleased to express himself in the following words:

Gentlemen:—My earnest Desires & Endeavours for an Union, between you & those of the Lower Counties in Legislation, having by means of the several steps that had been made before my arrival, prov'd unsuccessful, & you being now in a Condition by the Proprietors Charter, to proceed to business without further Delay, I shall briefly recommend to you what I either have in charge, or Judge of the greatest Importance to be laid before you.

What first naturally occurs to y^e Consideration of mankind, is their own happiness & safety, and that nothing, (as I said the other day,) can be of greater Importance towards that of a Govermt, than that the legislative Powers, & the administration of Justice, be well & duly regulated. I make no doubt but every one will agree in Opinion, for the Effecting of which you have now as fair an opportunity as sound, & wholesome Laws can give you. The Queens Majesty & the Proprietary have effectually done their parts, & for mine, I shall alwayes be ready to concur with, & heartily promote whatever may prove of so happy a tendency. It remains only that you will accomplish your own happiness, by a firm Establishmt of your Constitution, on such a reasonable & regular foundation, as that each particular Interest, Her Majesties, the Proprietrs & your own may be so interwoven, (as naturally they certainly are,) that each may support the other.

Gentlemen:—Her Majesty expects that while all the rest of her subjects every where chearfully contribute to the great & necessary expences of her Majesties Govermt, You will with no less alacrity concur to advance what either the Exigencies of this Govemt or our neighbours, (when the Charge & Care is thought of equal advantage to us, with our own,) may reasonably require, & particularly 'tis expected, that you find a way with all dispatch, to present her Majesty with the sum mentioned in the late Kings Letter, to help towards the defraying such Charges as the Govermt of New York, is necessarily obliged to bear, for our common interest and safety.

The Proprietary expects you will support the dignity of the Govermt in all its Branches, and not to suffer it to lie as an oppressive Load upon him, whose unwearied Endeavours have never ceased to secure you in the Enjoymt of your just Rights and Priviledges; & while he is enabled to undergoe it, doth by me give you assurances, that he will not be wanting in whatever may most effectually secure you; but that unless you can find means to recommend yourselves to the ministry at home, by answering the just ends of Govermt, the Burthen must needs lie much heavier upon him, & perhaps at length prove too much to bear.

I am also to recommend to your care, some method to secure ourselves in these dangerous times of war, especially that you have a more than common regard to the Indians, & such as are suffered to come amongst them.

These Gentlemen, are the chief heads of what I have to lay before you, whatever else is necessary to be done will naturally present. I most earnestly recommend to you, upon the whole, all requisite dispatch which will be best effected, by an unanimous Concurrence for the common good. Lett no Interest but the Publick, have place in any mans thoughts, and I promise you, on my side, it shall be the chief of my study.

I shall only further add, that upon this separation from the Lower Counties, in Legislation, I hope you will always take care to shew that what hath past was of necessity, & preserve a Desire to come to a happy union again, & in all your proceedings, shew a tender regard to them as your friends united by common Interest.

Which speech the Govenr also delivered to the Speaker in writing.

The Speaker promising to lay the same before the House in their name, humbly proposed to the Governr, that they may be admitted to adjourn for some time, as had before been mentioned, and Requested that after they had taken the Governrs speech into Consideration, & formed themselves into a method to expedite the Business that lay before them, the Governr would be pleased to agree, that the members might depart to their habitations, & meet again on the Eighth day of the third month next, which time they had pitch upon as best suiting their urgent & necessary occasions, & hoped their absence should prove no loss of time, nor hinderance of business.

The Governr answered, he would take it into consideration, & they departed.

The request of the speaker in behalf of the House, being taken into consideration, & debated, it was resolved, that the time proposed would be too long, and that the fourth day of the third month, (May,) would be as long as business could well be delayed, and Edwd. Shippen, W. Clarke & Jasper Yeates, were ordered by a message from this Board, to inform y^e House accordingly; and then adjourned to nine in y^e morning.

At a Council held at Philadia, y^e 18th of y^e 2d moth, April, 1704, mane.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Edwd. Shippen,	Esq'rs.	Caleb Pusey,	Esq'rs.
Samll. Carpenter,		Jasper Yeates,	
William Clark,		Richd. Hill,	
Griffith Owen,		Will. Trent,	
Samll. ffinney,		James Logan.	

The Representatives of y^e three lower Counties, having since their last appearance before y^e Govr & Council, waited in town to know y^e Governours further pleasure. He this morning attended by several members of y^e Council, went to them where they were mett at the Bulls head, in Philadia., and there agreed & Concluded wth them, that they should be adjourned from hence to Newcastle, and in case it should be y^e opinion of y^e most learned, in y^e Law especially, R. Monpesson, Esqr., (whom he expected to return this day from N. York,) that they could regularly sitt at Newcastle by an adjournmt from Philadelphia, upon the writts by which they were called hither. He would meet them on (6th day) friday next, at Newcastle, otherwise they should be dissolved & new writts issued for their Counties to make a new Election, to meet & sitt at y^e sd place, and accordingly the Governr adjourned them to friday next at Newcastle.

A message from the Assembly came to acquaint y^e Governr, that y^e speaker and whole House desired to be admitted to wait on him, to wch y^e Governr agreeing, appointed them to meet him forthwith at the Council Chamber.

The Speaker with the House of Representatives of y^e Province, presenting themselves before y^e Governr & Council, The Speaker acquainted y^e Board That y^e Message sent to them from hence by three members last night, had occasioned them to take their time of meeting again, (after their departure,) further into consideration. That perceiving y^e Governr did not think the time which the had proposed, (viz :) Eighth of y^e third Moth, so suitable to y Urgency of affairs, but had recommended the fourth of y^e same Moth to them; the whole House had concluded that seeing it was required they should meet before the said Eighth day, it would be as convenient for them to be together, before y^e time y^e Governr had proposed, & therefore appointed with the Governrs approbation, to meet on y^e 3d of y^e 3d month next, in order to be in a better readiness to goe upon such Business as the Governr might have next day further to recommend to them.

Which being considered, the Governr assented, and will'd that they might again meet on the third of May as they had proposed, & thereupon they departed.

At a Council held at Philadia, yᵉ 19th of yᵉ 2d moth, 1704, P. M.

PRESENT :

JOHN EVANS, Esqr., Lieut. Governr.

Roger Mompesson,	Esq'rs.	William Rodeny,	Esq'rs.
William Clark,		Richd. Hill,	
Caleb Pusey,		James Logan.	

The act of Assembly passed at Newcastle, & confirmed at Philadia, for granting to yᵉ Proprietry the sum of two thousand Pounds, having committed yᵉ Care of compleating yᵉ Collection of yᵉ same, upon any neglect of yᵉ officers to this Board, and the accots of the Proportion of yᵉ said sum assessed upon yᵉ Citty & County of Philadia, having been taken & examined the 7th Instant, & great Remissness & neglects appearing in the whole managemt ; thereof It is ordered, by yᵉ Governr & Council, that Jno. ffinney, Esqr., High Sherif of Philadia, (according to his Engagemts upon his Entry in his said office,) forthwith to undertake and Proceed to Collect all yᵉ arrears of yᵉ said Proportion, yet unreceived within yᵉ Citty of Philadia & its Liberties, and in yᵉ neck between yᵉ Citty & the Rivers Delaware, & Skuylkill, and that warrts be forthwith Prepared, & Signed by yᵉ Justices as yᵉ Law directs, Impowering him yᵉ said Jno. ffinney, to Collect & levy yᵉ several assessmts that are yet unreceived, (according as they have been laid & Concluded by yᵉ assessors,) by Distress or otherwise of yᵉ Persons, assessed or their Goods as there shall be occasion, and that yᵉ said J. ffinney render an accot of his Proceedings therein to this board wth all expedition.

At a Council held at Philadia, the 20th 2d moth, 1704. mane.

PRESENT :

JNO. EVANS, Esqr., Lieut. Governr.

Roger Mompesson,	Esqr's.	Willm. Rodeny,	Esq'rs.
Samll. Carpenter,		Willm. Trent,	
Willm. Clark,		James Logan.	
Griffith Owen,			

The Governrs last Conclusion wthe the Representatives of yᵉ Lower Counties, being by him proposed to yᵉ Consideration of yᵉ Board, & yᵉ Question thereupon put, whether it would be regular & safe to meet the members of sd Counties at Newcastle, upon their adjournmt thither, & to proceed with them thereon to Legislation, & whether yᵉ sd Court would be safe in acting upon yᵉ present Establishment of Laws, without further Confirmation on yᵉ Separation, It was Resolved by the opinion of Judge Mompesson, That it would not be adviseable to proceed to Legislation wth ye Representatives chosen by ye last writts, & now adjourned to Newcastle, but rather that new writts should be Issued for a new Election.

And to ye second, it was Resolved by ye said Judges Opinion, that ye Laws made & past by ye Province & annexed Counties, in conjunction, were still as much in force upon their separation, both in Province & Terrs. Separately as ever, Resolved further, that new writts should be forthwith issued to ye Sherifs of each of ye said Counties for electing four Representatives in each County, on ye 12th of May next, to meet ye Governr at Newcastle, the 22d day following in Assembly, for the said Counties distinct.

A Commission of ye Peace &c. for Kent County was fill'd up, directed to John Brinkloe, Willm. Rodeny, John Walker, Henry Moleston, Willm. Morton, Thomas Bedwell, John Robeson, Evan Jones & Willm. Winsmore, Esqrs., & a Comission renewed to Willm. Wilson, sherif, and Willm. Anan, Clerk of ye sd County, with a Dedimus Potestatem directed to Geo. Lowther, for qualifying ye sd Justices, dated the 20th Instant. A Commission of ye Peace, & for ye County of Sussex was filled up, directed to Willm. Clark, John Hill, Tho. Pemberton, Luke Watson, Tho. ffisher, Tho. ffenwick, James Walker, Phil. Russel, Jno. Waltham, & Willm. Bagwell, Esqrs., and Comissions renewed to Luke Watson, senr., for Sherif, & Nehemiah ffield, for Clerk ot ye said County, & a Dedimus Potestatem, directed to Geo. Lowther, for qualifying ye said Justices. adjourned to next week.

At a Council held at Philadia, 4th 3 mo., (May) 1704, P. M.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governour.

Roger Mompesson, John Guest, Samll. Carpenter, Willm. Trent,	Esq'rs.	Richd. Hill, Jasper Yeats, James Logan	Esq'rs.

The Governr caused to be read to ye Board a Lettr he lately recvd from ye Ld Cornbury, dated ye 15th day of April last, requesting the Governr to lay before ye Assembly, (being now as he was informed about to sitt,) and urge them to answer her Majesties demands of ye sum required of this Province, (viz: 350£ sterl.) for repairing and maintaining ye fortifications on the ffrontiers of New York, and to furnish ye sd Lord Cornbury, wth ye same wth all Dispatch; Ordered, that ye sd Letter, wth all others relating to ye same subject formerly recvd, be laid before ye Assembly.

A Lettr from ye Proprietr, dated ye 15th 10br. last, directed to ye Governr & Council, was read, pressing them at ye earnest solicitations of ye adventurers in ye old Pennsilvania Compa. to call before y^e^ Board those members of y^e^ said Compa. in this Province, with whom y^e^ Power of y^e^ Society now resteth, & urge them wth all possible speed to transmitt, on accot to those concerned in Engld, or to y^e^ Propr, to communicate to them of the Estate of y^e^ sd Company here, as well after what manner they have disposed of any Goods, & for what or what yet remains that's personal or real in Goods or Land; also that y^e^ Governr & Council should, as near as might be, send over an Estimate of the value of the lands as well as the Quantity, and discourage any sale thereof upon other Terms than those of an equal Dividend to those interested, as well in England as here, in proportion to their adventure, that it was a crying case there, and therefore required a speedy & just accot of the whole matter, together wth y^e^ Councils advice upon, conferring with those few here chiefly interested as time will allow.

Ordered thereupon, that Benja. Chambers. ffra. Rawle & Jos. Pigeon, y^e^ persons now principally concerned here be summoned forthwith, to bring in their accots of the sd society, to be inspected & considered by persons to be appointed by this Board for that.

Benja. Chambers presented an Information to y^e^ Board, upon an apprehension of another ferry boat, being intended to be sett up on his ferry Landing place, by two swedes ministers, setting forth y^t^ he had been at very great charge & Trouble in erecting y^e^ sd ferry for y^e^ Publick Good, that by his Diligence & Expenses he had cut through y^e^ Rocks, made long Causeys through y^e^ mudd, & for y^e^ accommodation of y^e^ Countrey, at whose instance he had first sett it up; he had made such conveniencies as y^e^ like had never been known before in these parts, and therefore requested that his merits might be considered, & no other persons suffered to enter upon his Labours by oppression, to bereave him of that small benefit wch thought reasonable should accrue to him, & was far short of what those who endeavoured to take part with him imagined.

Order'd, that no Encouragemt should be given to any such attempt & y^t^ while there is no complaint made, that one boat is not sufficient to supply y^e^ ferry, or that that Boat is not well attended, no other be suffered to invade y^e^ profit of his past Labours & projection.

Judge Guest & Jasper Yeats, moved that they being persons deeply interested by their Estates, in y^e^ County of Newcastle, might be acquainted what persons y^e^ Governr designed to putt into y^e^ Magistracy for that County; upon wch y^e^ List y^e^ Govr had given to the Secry was read, and they humbly requested that y^e^ Govr would be pleased to take it further into Consideration, and make an addition either of some concerned in y^e^ sd County in their Estates, y^t^ were men of y^e^ Law, or some others y^t^ had bore that office in y^e^ sd County long before.

Adjourned.

At a Council held at Philadia, 5th May, 1704, P. M.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

W. Penn, junr.	Jno. Blunston,
Edwd. Shippen,	Wm. Trent,
Jno. Guest,	James Logan.
Wm. Clark,	

A message from y^e assembly, requested y^e Governr to furnish them wth such ordrs as had come to his hands, concerning the money required to be advanced for y^e assistance of N. York; upon wch there was sent to them by Judge Guest and James Logan, a Copy of y^e Kings Lettr to the Earl of Ballomt, dated 19th of Janry, 1700-1. Lettr from Ld Cornbury to Governr Ham'ton, dated 9th, 9br, 1700-2; a Lettr from y^e Lds of Trade to y^e Propry, dated 21 May, 1703, & a Lettr from y^e Ld Cornbury, to y^e present Governr, date 15th April last, all wch were delvd and y^e assembly Requested a Copy of y^e Governrs Commission, wch was ordered.

At a Council held at Philadia, 9th May, 1704, P. M.

PRESENT:

JNO. EVANS, Esq., Lieut. Governr.

Roger Mompesson,	Griffith Owen,
Edwd. Shippen,	Caleb Pusey,
Jno. Guest,	Wm. Trent,
Wm. Clark,	James Logan.

Edwd. Farmer, acquainted y^e Governr that according to his ordr, he had informed y^e assembly of what he had heard from y^e Trader Nicole Godin, viz: That upon y^e Return of y^e Carolina Indian, who was taken (as was said) by some of y^e five nations last year, & after his escape, went homewards through this Province, some of y^e Carolina Indians, to y^e number of 40, in revenge, were lately come up & had set upon some of those of Potowmock, but they taking to their fastness & being thereby secured, y^e others declared to them that they (of Carolina,) had been for many years attacked & Injured by some Indians from y^e Northwd, whom they had always hitherto taken to be those of Canada, but now found who they were, viz: y^e Senecars & those of Potomock & Conestogoe, & that they were Resolved to be revenged, & that end three nations had Joyned & would shortly come up & either destroy or be destroyed by them.

That upon this Information, y^e assembly thanked y^e Govr for his care in sending them an accot of it, & upon hearing there were two Indians sent from some of y^e five nations to this Govermt, on a message, requested that y^e Govr would be pleased to examine y^e sd Indians to night, by Ja. Le Tort for an Interpreter, & that y^e sd Nicole should be for to night, & y^e sd Indians be examined with him to morrow.

Griff. Jones, with 6 members more from y^e^ assembly, presented y^e^ following address to y^e^ Govr in answr to his speech.

To Jno. Evans, Esq., Lieut. Govr of y^e^ Prov. of Pensilvaia and Counties annexed:

The Humble Address of y^e^ freemen of y^e^ sd Province in assembly mett.

May it please y^e^ Govr.

We y^e^ freemen of y^e^ sd Province in assembly, taking into our most serious Consideration thy great care & concern for our welfare, expressed in thy last kind & favourable speech to us, in duty & Gratitude can do no less than return our thanks to thyself, as also to y^e^ Propr for his peculiar Regards to our Interest & Happiness, in y^e^ choice of so worthy a person to rule over us.

But that which in a more peculiar manner commands our sincere acknowledgments, is y^e^ singular favour of our gracious Queen, who like a tender & Indulgent mother, has extended her affections to us, her poor subjects in this remote part of her Dominions, whereof she has given a most remarkable Demonstration, in favouring thy Lieutenancy with her Royal approbation.

We are very sensible of thy concurrent Endeavour with ours to reunite us with y^e^ three lower Counties, & that nothing of that Breach is chargeable upon any but themselves, as we hope our late answer to their proposals for a reunion will sufficiently prove.

And we are also well assured that y^e^ due regulation of y^e^ Legislative powers, is of so great importance to our safety & happiness, that we shall make it our care & Business to settle y^e^ same, so far as we are capable. But for-as-much as thou hast been pleased to acquaint us, that our Propry hath effectually done his part towards Establishmt, wch we would willingly hope has been in procuring y^e^ Queens Royal Sanction to our Laws. We humbly desire it may be communicated unto us to y^e^ end, our present service may be made y^e^ more easy, and that wee may proceed wth greater alacrity, hoping thou wilt be ready to concur in what may be proposed for that end, in relation to each particular Interest concerned.

As for y^e^ Expectations of our presenting y^e^ Queen wth y^e^ sum mentioned in our late Kings Lettr, We refer to y^e^ former assembly's answer thereto, wch we hope y^e^ Propry has so represented at home, that we shall not be justly blamed for not raising money at this time, for servise since we have own back Settlemts to secure, and our friend Indians to engage.

The Proprietaries Expectations have been under our serious Consideration, as we hope y^e^ People of this Province have not been wanting in giving ample Testimonies of their affection to him on divers occasions of late. So we shall still continue thankfully to acknowledge his & thy care of us, & of our just rights and Priviledges, y^e^ continuance of wch will y^e^ better enable us to approve ourselves to y^e^ ministry at home, & also to remove that weight &

burthen that may be so heavy upon our Proprietary, so far as it relates to y^e^ Good & advantage of the People of this Province.

We shall take leave to close this, our address, wth assuring thee of our sincere affection to thy self, & our cordial resolutions to proceed, wth all diligence to y^e^ dispatch of such other business as may be y^e^ subject matter of this present session. Intending carefully to avoid passing any votes, wch may in y^e^ worst sense have a tendency to reflect on y^e^ Lower Counties, on accot of their separation from us,& heartily wish them all happiness under thy administration,in y^e^ Circumstance & Condition y^e^ Queen has been pleased to putt them & shall be ready when a fit Expedient to reunite, & in y^e^ mean time shall use our Endeavours to preserve amity & friendship wth them, as our ffriends & neighbours United by common Interest, tho' disjunct in Legislation.

Signed in y^e^ behalf & by ordr of y^e^ House by

DA'D. LLOYD, Speaker.

Which address being read and presented in writing, one of y^e^ sd members informed y^e^ Board, of some great abuses that were committed by carrying Rum from Newcastle to Conestogoe, & requesting an answer concerning y^e^ Royal sanction to y^e^ Laws, they withdrew.

Capt. George Rocke, being by consent of this Board called to it by y^e^ Govr, took & subscribed y^e^ oath; fidelity to y^e^ Queen, y^e^ abjuration of y^e^ Popes Supremacy, y^e^ Test & y^e^ oath of a member of Council, & thereupon took his place.

Two Indians sent on a message from y^e^ Onondagoes, one of y^e^ five nations, with two Companions presented an otter Skin, & Informed that there were a Company of their nation & of y^e^ Honoyoothacks, coming down to this town in order to trade, & that they had sent them before to acquaint y^e^ Govr of it, requesting him that they might be kindly dealt with in point of trade. & that care should be taken they should not be abused in prices of Goods, but be encouraged to come yearly & keep up a friendly Correspondence.

Which Message was recvd, & y^e^ sd Indians questioned about several things relating to these nations. & an answer was promised to be given to morrow. Adjourned. James Le Tort, Interpreter.

At a Council held at Philadia, 10th May, 1704, mane.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Roger Mompessen,	Wm. Trent,
John Guest,	Richd. Hill,
Willm. Clark,	George Rocke,
Griffith Owen,	James Logan.
Caleb Pusey,	

The Assemblies address being taken into consideration, it was ordered, that it should be answered by a message from this Board, wch y^e Secretary was directed to draw up in writing.

A message from y^e assembly, requested to know whether y^e Govr would be pleased as yet, to give an answer to their address, especially that part of it relating to y^e Queens approbation of y^e Laws.

Ordered, that an answer be given at 5 in y^e afternoon, to which time y^e Council is adjourned.

POST MERIDIEM, Present y^e Govr. ho. 5th.

Roger Mompesson,
Edwd Shippen,
John Guest,
Willm. Clark,
Caleb Pusey,
Wm. Trent,
Richd. Hill,
Jasper Yeats,
George Rock,
James Logan.

The Subject of y^e message, drawn up according to Directions by y^e Secretary, was read, but there not being sufficient time this evening to finish it, 'tis ordered to be deferr'd till morning.

The two Onondagoe Indians, who were yesterday before this board, were again called to receive their answer, & Peter Bizaillons wife being in town, who understands their Language well, was also called to interpret: the Indian Messenger repeated y^e substance of what he had said yesterday, wch appearing to be much y^e same, as Interpreted before, he was answered that y^e Govr took y^e message kindly, that his Country Indians should be very welcome, & care should be taken to treat them well. But was told that because y^e Ships were not as yet come in, Goods are scarce, but 'tis hoped they may arrive before y^e Indians can be here, and some Wampum was given him to carry as a Confirmation.

Nicole Godin, the trader, brought to town to day by Edwd. Farmer, was examined & repeated y^e same, that y^e sd E. ffarmer had represented before, adding that Ortyiagh y^e Chief now of Conestogoe, requested him to complain to y^e Govr of y^e great Quantities of Rum, continually brought to their Town, insomuch that they ruined by it, having nothing left but have laid out all, even their Cloaths for Rum, & may now when threatened wth war, be surprized by their Enemies when besides themselves with drink, & so utterly be destroyed.

Answer was made that effectual care should now be taken this Assembly, to prevent such practices for y^e future.

Adjourned till morning.

At a Council held at Philadia, 11th May, 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Roger Mompesson,
Edwd. Shippen,
Jno. Guest,
Willm. Clark,
Griffith Owen,
Samll. Finney,
Caleb Pusey,
Richd. Hill,
Jasper Yeats,
James Logan.

The message ordered Yesterday being drawn up, it was ordered to be sent in Writing as follows:

A message from y^e Govr in Council,
To y^e House of Representatives.

The Govr having recvd & considered y^e address of y^e House, in answer to his speech, returns his thanks for their so hearty Declaration of Gratitude & affection to y^e Queens Majesty, and the Propry, & those favourable expressions they were pleased to give of himself as he very kindly resents them, so he will endeavour to acquit himself answerable thereunto, as far as it shall lie in his power.

I answer to y^e Houses request rela^{t}ing to y^e Royal Sanction, to y^e Laws of this Province already past, the Govr is assured y^t y^e Propry had laid them before y^e Queen, & was pressing that matter to an Issue, & y^e Secretary will communicate to y^e House, some Paragraphs in y^e Proprs private Lettrs to him upon that subject. But what y^e Govr more particularly designed in that clause of his Speech, where he sayes y^e Propr had done his part, was by his effectually giving them such an opportunity of securing themselves by Establishmt, as a better can never be expected again, & therefore hopes they will use it accordingly.

But y^e Govr is sorry y^t he finds himself obliged further to acquaint y^e House, y^t their answer to y^e Queens, expectations cannot be taken as satisfactory for y^e former answer of y^e assembly, to wch this now refers, pleads reasons, y^e Edge of wch the space of almost three years has wore off, & y^t address requests y^e Propry y^t y^e further Consideration of y^e Kings Lettr may be referred to another meeting of Assembly, or untill more emergent occasions shall require their proceedings therein, so that y^e very address referr'd to, turns it now upon this assembly, those demands now being answered by any of y^e foregoing: and for y^e Emergent occasions there mentioned, it could be wisht y^t there were none so urgent. as a dangerous war broke out since y^t time, affords us, besides y^e Queens further Injunction still pressing it, ffrom which Injunctions it is also evident y^t no Representation y^e Propr has been able to make of that affair, has been sufficient to secure this province from blame. upon their former failure, seeing they are again pressingly urged to it by y^e Queens own commands, above fourteen months after her happy accession to the Crown.

It is undoubtly true, that y^e Govrmt of New York lies much exposed to the attacks of the enemy, that their strength & Defence tends to our security, and that the Govmts to y^e Eastwd are very deeply engaged in Defences of their own, which also makes for the common safety. While we of this place, whose Lives & ffortunes ought to be equally dear to us, have enjoyed peace & tranquility without contributing any thing considerable in comparison to others, towards the obtaining it, and whatever our neighbours shall find themselves obliged to doe for their own safety. Yet, if we appear resolved to give them no Encouragement, we shall have too little reason to blame them, if when they have opportunities as they frequently may, they fail to extend their Regards to our welfare, as concerned in the publick good, seeing we contribute nothing to the Publick Charge. Nor can we ever expect to recommend ourselves to the protection of y^e Queen, while we shew no more respect to Her Desires of that kind, that either from herself or Royal Predecessors, have so rarely reached us. These or y^e like Reasons, the Govr is credibly Informed have so far prevailed on y^e Govmt of Maryland, as that they have raised a good part of what was required of them for this service, notwithstanding they lie much more secure & out of Danger. Nor can y^e Govr believe, that this can clash with the Religious persuasions of any man, seeing there are many other vast charges besides the actual making of war, & this is not required for carrying on of any War, as in the acts of Parlmt. in Engld, in such Cases is always mentioned, & yet is there comply'd with to a very high Proportion of their Estates by all persons whatever, without objection on this score; here the Queen only Demands such a sum, which common reason will tell us is exceedingly necessary for the Publick good & safety of all the adjacent parts, & as it is absolutely necessary that funds should be raised for the support of Govmt, & answering Publick Exigencies, so if they be made proportionable to those Exigencies, of which this is a great one, the Govr will faithfully take care that they shall all to y^e utmost of his Power, & this among the rest be duly answered.

The Govr is well assured, that the not complying with this, will be so great a Clogg to the affairs of this Province at home, & lay the Propry & his whole concerns for the Publick Good, under so great Disadvantages with the ministry, that it will prove the worst of husbandry, & therefore thinks himself obliged further to press, & again propose it to y^e Houses most Serious Consideration.

The Govr & Council think it requisite further, to lay before the House a Lettr to their Board from the Propry, because it is of equal Concern to all, & must add, that y^e Propry by some of his Lettrs, expects and depends on it; that the Countrey will defray the Charges of Govmt here since his Departure, in relation to Govr Hamilton, whose Salary being two hundred pounds a year, he engaged himself to answer, till further Provision should be made.

The Govr is resolved to avoid proposing any thing but what the Honr. Justice & Safety of y^e publick may require, & hopes, that those who have yᵉ trust reposed in them to represent yᵉ people, will according to their Declarations, readily & cheerfully concur & promote what ever may prove for yᵉ Common Good & Interest of yᵉ Place.

The Govr thinks it proper, further to recommend to yᵉ House. that as it has been yᵉ Common practice of other Govmts & Communities every where, to address yᵉ Queen upon their first opportunity of meeting, after her happy accession to the Throne, this being now yᵉ first that this Province has had in Assembly, & yᵉ Propry having particularly recommended it. It will be a just Discharge of Duty to present a humble Congratulatory address from this Province, also requesting yᵉ Continuance of that Protection, Her Majesty has been graciously pleased to grant yᵉ subjects of all her Dominions.

POST MERIDIEM, the Same as before.

The foregoing message was sent by Judge Mompesson, Edward Shippen, and James Logan, & was ordered to be read to yᵉ House, & then delivered to the Speaker.

The Members sent on yᵉ sd message, returning, made Report, yᵗ according to order they had delivered their message, but that there was some appearance of a Dissatisfaction upon it.

And some time being spent in considering affairs relating to the assembly, & those relating to yᵉ Indians, being taken into Consideration, It was Resolved, That a Proposal be forthwith made to the House for them, to appoint a Committee to Joyn another Committee of the Council, to confer together about measures, for securing yᵉ Indians in our Interest, & other matters of Importance relating to the Publick Safety. Also, that yᵉ assembly should be desired to peruse & Consider yᵉ Lettr from yᵉ Lords of Trade &c., in May last, & that would Convince them of yᵉ necessity yᵉ Govr lay under, of pressing yᵗ affair of a Supply to New York.

And Richard Hill & James Logan, were ordered to carry yᵉ said message, & then adjourned till morning.

At a Council held at Philadia. 12th 3d mo., 1704, A. M.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Roger Mompesson,	Griffith Owen,
Edwd. Shippen,	Caleb Pusey,
Saml. Carpenter,	Richd. Hill,
Wm. Clark,	James Logan.

The Govr Informed yᵉ Board y this morning a message was brought to him from yᵉ House, signifying that they joyned wth the last message from this Board, wch proposed a Conference concerning matters of Importance to yᵉ publick safety, & yᵗ thereupon, he thought it would be proper for yᵉ whole Council to joyn them in a Conference as proposed.

And yᵉ Question being putt where yᵉ place of meeting should be, and at what time, It was Resolved yᵗ notwthstanding it was not proper in itself, for yᵉ Council to meet yᵉ assembly at their own House, but rather yᵗ they should attend this Board. Yet for yᵉ better Conveniency of Room, & yᵗ all yᵉ members of their House might be present, & have yᵉ opportunity of knowing what past for this time all yᵉ Council should joyn the assembly at their House, this afternoon, half an hour after three.; and James Logan was sent to Inform yᵉ assembly accordingly.

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POST MERIDIEM, yᵉ same as before, wth Wm. Trent.

The Council according to yᵉ Resolution of this morning, went all together to hold a Conference wth yᵉ assembly, & returning to yᵉ Board, Judge Mompesson made report to yᵉ Govr. That going to yᵉ House they found them in a grand Committee, wth a Chairman, which tho' irregular in itself upon such an occasion, yet they chose to wave it & take no notice, least they should stumble at yᵉ Threshold. That He who fill'd yᵉ Chair began wth a large Discourse, & Informed them That as a Conference had been proposed about matters of importance, so they conceived yᵉ greatest at present to be yᵉ power of Joyning them effectually in Legislation, that yᵉ house had taken it into Consideration, & were under a Dissatisfaction about yᵉ Clause in the Governours Commission, where Propry saves to him & his Heirs their final assent to all such bills as yᵉ Govr should pass into Laws, least by it all their Proceedings should prove ineffectual as they must needs be, if after they had done their best to enact Laws, yet they would be of no use till sent to Engld., where they were either to be past or rejected, & yᵗ yᵉ Difficulties & Inconveniences of this would be such that they had better attempt to pass none at all. That in answer to this several argumts, both in Law & Reason were advanced, to shew that that saving in itself was void, & that yᵉ Kings Charter to yᵉ Propry would allow of no such Reserve. That it was again objected, that commissions were of yᵉ nature of Kings writts, & must be good in all their parts yᵗ yᵉ voiding of one part might void yᵉ whole, upon all which several argumts being used, they came to a Conclusion that both Council & assembly, should take some further time to consider of it, most of this being quite new to yᵉ Council, & that upon an agreemt so to doe they parted. And then yᵉ Council adjourned till to morrow.

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The Assembly meeting in yᵉ morning, sent to advise with yᵉ Govr when a second Conference might be held, & was appointed on 2d day yᵉ 15th, at 3 in yᵉ afternoon, but again they sent & Informed yᵉ Govr that they found yᵉ next week would generally keep yᵉ people of y^{e} town busy, because of y^{e} fair, & therefore wth y^{e} Govrs Leave desired to adjourn till the 22d, being y^{e} next week after.

At a Council held at Philadia, 18th 3 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Roger Mompesson,
Edwd. Shippen,
Saml. Carpenter,
Wm. Clark,
Wm. Trent,
James Logan.

Peter Bezalion y^{e} french Trader, coming to town & being sent for informed y^{e} Board That he had heard that those of y^{e} five nations who intended shortly down this way, had a design of carrying off the Shawanah Indians, both those settled near Conestogoe, & those near Lechay, they being colonies of a nation that were their Enemies; wch being fully considered, It was Resolved, y^{t} it would be necessary to send an Embassy as well in behalf of our frds & allies, as y^{e} Shawannahs are as of our selves, & y^{t} all y^{e} Belts of Wampum be procured & sent, up y^{t} were collected among y^{e} Indians three years agoe for that purpose.

At a Council held at Philadia, 22d 3d mo., 1704, P. M.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Roger Mompesson,
Willm. Penn, Junr.,
Edwd. Shippen,
Caleb Pusey,
Richd. Hill,
Wm. Trent,
James Logan.

The Govr acquainted y^{e} Board, That a Conference wth this Board was requested by y^{e} assembly, & y^{t} he had appointed this afternoon at three a Clock, & thereupon all y^{e} members of Council, W. P. excepted, went & held a Conference accordingly, & returning, y^{e} Council was adjourned till ten in y^{e} morning, at wch time a report of y^{e} sd Conference is to be made,

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At a Council held at Philadia, 23d 3 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Gover.

Wm. Penn, Junr.,
Roger Mompesson,
Edwd. Shippen,
John Guest,
Wm. Clark,
Griffith Owen,
Caleb Pusey,
Richd. Hill,
James Logan.

Four members from y^{e} Assembly brought y^{e} following Resolution; at an assembly held at Philadia, 22d Day, 3 mo., 1704.

Resolved, that this House shall request y^e^ Council to give their opinion in writing, under their hands, concerning y^e^ saving or exception in y^e^ Propr, Wm. Penns Commission to y^e^ present Lieut. Govr, to witt: whether y^e^ sd saving is void in it self, & does not vacate y^e^ rest of y^e^ sd Commission, or render it invalid, and whether those Bills wch y^e^ present Lieut. Govr shall think fitt to pass into Laws, & cause y^e^ sd Proprs great seal to be afixed thereunto, can afterwds be vacuated or annulled by y^e^ sd Proprietor, wthout assent of y^e^ assembly of this Province. Ordered, That Joseph Growdon, Isaac Norris, Joseph Wilcox & Joseph Wood, attend y^e^ Govr and Council wth y sd Resolve, & make Report to this House to morrow morning.

DA'D. LLOYD, Speaker.

Judge Mompesson, made Report of y^e^ Conference held yesterday with the Assembly; but Judge Mompesson, having undertook to draw it up in writing, & to give it to y^e^ Secry, wch he omitted to doe, it cannot be here inserted.

The Request of y^e^ assembly being taken into consideration, It was Resolved, That a full answer should be given as desired, which was done in y^e^ following words.

In answer to a message from y^e^ assembly, requesting y^e^ Council to give their opinion under their hands, concerning y^e^ saving or exception in y^e^ Proprietor, Wm. Penns Commission to y^e^ present Lieut. Govr, to witt: whether y^e^ sd saving is void in it self, & does not vacate y^e^ rest of the said Commission, or render it invalid, & whether those Bills wch y^e^ present Lieutent Govr shall think fitt to pass into Laws, & cause y^e^ sd Proprs great seal to be affixed thereunto, can afterwards be vacated or annulled by y^e^ said Propr, wthout assent of y^e^ Assembly of this Province.

We of y^e^ Council, whose names are hereunto subscribed, are of opinion that y^e^ sd saving is void in it self, & does not vacate y^e^ rest of y^e^ sd Commission, nor render it invalid. And that those Bills, wch y^e^ present Lieut. Govr shall think fitt to pass into Laws, & cause y^e^ sd Proprs great Seal to be affixed, cannot afterwds be vacated or annull'd by y^e^ Proprietor without assent of y^e^ assembly of this Province. Signed,

Wm. Penn, Junr., Griffith Owen,
Roger Mompesson, Caleb Pusey,
Edwd. Shippen, Wm. Trent,
Wm. Clark, Richd. Hill,
Jasper Yeates, James Logan.

And y^e^ sd Message was ordered to be carried by Judge Mompesson, Edwd. Shippen, Judge Guest, Judge Clark, & y^e^ Secry, & accordingly it was carried, & then y^e^ Council adjourned till morning.

At a Council held at Philadia, 27th 3 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Leiutenant Governour.

Wm. Penn, junr.,	Saml. ffinney,
Roger Mompesson,	Wm. Trent,
Edwd. Shippen,	George Roche,
Wm. Clark,	James Logan.
Jasper Yeates,	

The Govr having recvd a message from y^e House last night, requesting y^e Govrs Leave y^t they might for a fortnight or thereabouts, adjourn, what business is designed for them to goe upon, being mostly concluded on, & may be as well done by some persons to be appointed for drawing up y^e Bills, while y^e Countrey members may retire home to their affairs for y^e sd time. He communicated y^e same to y^e Board.

A message from y^e assembly, requested y^e Govrs answer to y^e foregoing message, & presented & offered two addresses prepared by y^e House, to be presented to y^e Queen, to y^e Govr & Council for their Consideration, which addresses were severally read.

Resolved, that for y^e Govrs greater Conveniency, it be proposed to y^e House, to be adjourned for three weeks, and Ordered, That Judge Mompesson, Clark & Yeates, carry y^e sd message, & inform also of y^e Report of a Privateer being within y^e Capes, brought yesterday by Capt. Brereton.

The Case of Andrew Rudman & Andrew Sandal, Clerks, & their answers to y^e Informations exhibited to this Board, by Benja. Chambers, relating to y^e Scuylkill ferry, was read. Ordered thereupon, that notice be given to both y^e sd Parties, to appear at this Board next Council day.

A Petition from Thos. Godfrey, of y^e county of Philadia, was read, shewing that by Colour of an order from Coll. Markham, there had been laid out a road from Toby Leech's to Germantown, very injurious to the sd Petitioners Land; that it being y^e business of y^e Court of Quarter Sessions, & not of y^e Council to appoint y^e sd Road, y^e sd Court had appointed persons to view y^e same, who certified y^t it is not convenient or needful, & y^t another Road laid out by sd Godfrey, in lieu of that, had been several times presented by y^e Jury, but y^e presentment was always quash'd till y^e last, to which he was obliged to plead, & therefore prayes that y^e sd ordr of Coll. Markham being inconsistent with y^e Laws of this Govrmt may be repealed.

Ordered, that notice be given to Toby Leech & Thos. Godfrey, to appear before this Board, with all they can shew on each side, in behalf of y^e Respective Roads they contend for, & that Judge Guest & Capt. ffinney, Justices of y^e Court, be present at y^e same time.

Capt. Brereton being yesterday come in from sea, was called before this Board, & upon Examination Informs, That on — last, coming at y^e Capes, he saw a sloop within him, that he came to anchor over night, & y^e sloop did y^e same, that in y^e morning she made after him for about two hours, but not being able to come up with him, stood away again, directing his course towds another vessel under Cape May, & that by all his working he suspected her to be a privateer.

And y^e Govr desiring to be advised what was necessary to be done therein, It was Resolved, that further advice concerning her should be expected from below.

Jos. Wood & Is. Norris, in a message from y^e House, informed y^t they acquiesced wth y^e Govrs Proposal about their adjournmt, & for y^e Report brought by Capt. Brereton, they referr it to y^e Govr as is (Lieutt. to) the Capt. Genera^l. adjourned.

At a Council held at Philadia, 23d 4 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,	Wm. Trent,
Judge Guest,	Richd. Hill,
Wm. Clark,	Jasper Yeates,
Gr. Owen,	George Roche,
Saml. ffinney,	James Logan.
Caleb Pusey,	

A Petition from Joseph Cloud, of y^e County of Chester, was read, shewing that y^e Petitioner being lawfully possest, of a servt boy named Wm. Prichet, bound to serve him for a term of years, wth Consent of y^e Boyes Parents, was disseized of him by y^e Sherif of y sd County, by an ordr from y^e Govr as was pretended. That y^e Sherif still detains him ten Pounds or more to y^e Petitrs Damage, whereupon he being left remediless, prayes this Board they would be pleased to Issue an Order y he may be again restored to him.

And his allegations being heard, 'tis Ordered, y^t y^e Consideration of the whole be referr'd to 3d day, (Tuseday next,) & y^t all y^e past proceedings with y^e Govrs writt, be then Produced to y^e board by y^e Petitr & parties concerned, & that y^e attorneys of both Parties be present, in ordr to a more full understanding of y^e whole matter, & how far this Board may be concerned to take Cognizance thereof.

Caleb Pusey & Capt. ffinney, were sent from this Board in a message to y^e assembly, to inform them y^e Council was sitting & ready to receive what they might have to propose.

Three members of assembly in a message from y^e House, presented to y^e Govr & Council, a bill intituled, An act for preventing & removing all questions & Disputes, concerning y^e Convening & sitting of this present assembly, & for Regulating y^e same, as also for y^e Confirmation of y^e Charter of Priviledges. And further Repsented to y^e Govr, y^t y^e assembly has several Bills & matters of momt before them, wch because of y^e Harvest approaching, they should not without great Damage to y^e Countrey Repsentatives, have time now to finish, & therefore moved, y^t they might adjourn to y^e first of y^e seventh month next, & y^t y^e Govr would be pleased to signify his pleasure therein.

The sd Bill was read, & ordered to lie upon y^e Board to be further Considered.

Andrew Rudman, y^e Swedish Minister, & Benja. Chambers, appearing according to y^e Ordr of y^e last Council before y^e Board, & their several applications being again read, B. Chambers, in answer to y^e Swedes, offer'd a long Paper, wch proving too tedious, & ordered to be changed in y^e Direction. It was referr'd to y^e afternoon, & y^e Council adjourned to four of y^e Clock.

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POST MERIDIEM, y^e same as before, ffinney excepted.

A message from y^e assembly acquainted y^e Govr, y^t y^e House was Inclined to adjourn, according to their message in y^e morning, & desired to know whether y^e Govr had any thing to lay before them.

Resolved, that an answer should be sent them.

And y^e matter of y^e adjournmt being taken into consideration, and debated, it was Resolved, the following message should be sent to the assembly in the following words, viz :

It was somewhat unexpected by the Govr, that after an adjournmt for 3 weeks ; the first time he heard from the assembly was to know their desire of adjourning for five weeks longer. The Govr is very much inclined to believe it is from a sense of a necessity the Representatives find themselves under, upon accot of their domestick affairs, wch as he is at all times very ready to favour, yet cannot but think of it wth some sense of trouble, that there have been no greater advances made in Business, considering so many matters of weight require their application. However, the Govr will gratify y^e Desires of the assembly, as far as he can possibly find, consistent with the Discharge of his Trust, but first desires to speak with the House, half an hour after eight in the morning ; and it is ordered, That Judge Guest, Edwd. Shippen & Griffith Owen, carry the said message.

The Paper of Benj. Chambers, in answer to the Swedes ministers offered in the morning, was read, & both Parties called in & heard, & the Consideration of it was deferred, & the Council adjourned to 8 in the morning.

At a Council held at Philadia, 24th 4 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Wm. Penn, Junr.,
Edwd. Shippen,
Jno. Guest,
Wm. Clark,
Griffith Owen,
Caleb Pusey,
Richd. Hill,
Wm. Trent,
Jasper Yeates,
James Logan.

The House of Representatives, according to Ordr waited upon the Board, & the Govr repeated to them the Substance of his message yesterday, & Desired that if they could make it suit, the Exigencies of their Countrey affairs, they would be satisfied wth a shorter adjournmt.

They answered they had considered these fully, & fixt the time by a vote, & could not without great Inconveniency alter it.

The Govr told them he perceived by the Bill presented yesterday, that they were for assuming the Power of adjournmts wholly to themselves, excluding all power of Prorogation or Dissolution. That he had hitherto waved all disputes on that head, in hopes that by friendly Conferences, they should be able to adjust it. That till that could be done he should not Determine any thing, & therefore desired that it might be waved & so understood between both this Board & ye House.

The Govr further desired, that there might be frequent conferences held between the Council & assembly, for the better facilitating of business, & they Departed.

Upon Complaint made, that the Levies of Chester County had been long neglected, and that the proportion of the 2000£ granted to the Propry, to be paid by that County, was not yet one half paid in, & the care of the sd Grant lying upon this board. Tis Ordered, That John Hoskins, Sherif of ye said County, forthwith proceed to collect all the arrears of the Said Proportion not ya paid according to Law, & that former Collectors give in accots of their proceedings therein.

At a Council held at Philadelphia, 27th 4th mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Jno. Guest,
Wm. Clark,
Griffith Owen,
Wm. Trent,
Richd. Hill,
James Logan.

The Govr desired to have ye opinion of ye Board, concerning the Register Genls. office, now upon ye Decease of Coll. Markham, and whether upon Jno. Moore's having contested it with sd Markham in his Life time, it might not be most convenient to take sd office into his own hands. Upon wch, it was Resolved, That ye Govr having the Disposal of offices in his own Power, might act in it as he thought fitt, & that if he thought it proper, to take ye said office into his own hands, there could be no objection against it.

In pursuance of an Ordr of ye 23d Instant, Joseph Cloud appear'd wth his attorney, who giving an accot of ye whole Proceedings in ye subject of his Complaint. It is Resolved, That the cause is now regularly in Law, & there it must be left. But that for the more speedy doing of Justice to the Complainant, tis Ordered, That the Court of Chester be enjoyned without delay to bring the matter to a Period with all Expedition.

At a Council held at Philadia, 4th 5 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,	Richd. Hill.
Jno. Guest,	Wm. Trent,
Griffith Owen,	James Logan.

A Petition from Wm. Harper, mercht. was read, Complaining that Grimstone Bowd, having used & Spoiled certain Goods of his, & denying to make him satisfaction, he had applied to Anth. Morris, Esqr., Mayor of the City, who upon a full hearing, gave Judgemt that the said Bowd should pay the Petitr 33 shills. & 4d. for Damage. That sometime after the Petitr applying to the said Mayor, the Clerk was ordered to draw up one, which being offered to the Mayor to sign, he called to see the Judgmt, & being rendred, he detained and refused to award Execution. Upon which the Petitioner humbly prayes, that Right be done him. Ordered, That the Petition lie on the Board to be Considered.

At a Council held at Philadia, 11th 5 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Wm. Penn, junr.,	Wm. Trent,
Edwd. Shippen,	Richd. Hill,
Jno. Guest,	Geo. Roche,
Saml. ffinney,	James Logan.

Capt. Geo. Lowther & Tho. Clark, attending on the board, repsented to the Govr & Council, That upon the publishing of the late Commission to the Officers of the Militia, Expectation was given by the Govrs Ordrs to all such as should inlist themselves, that they should be Exempted from watch & Ward. But that at the last

Mayors Court, held for the City of Philadia, The Constables according to Ordrs given them, had returned the names of such persons as upon the aforesaid Encouragemt had declined watching, upon which apprehending themselves in danger of being prosecuted, they were under such discouragements, that on their last muster day they had scarce any appearance in the field. They therefore humbly moved, that seeing those who inlisted themselves, had no manner of Consideration from the Publick for their service, and only expected the aforesaid Immunity; for their better Encouragement, this board would be pleased to make and publish an ordinance to that Effect. That all persons who were or should be duly entred in the muster Rolls, & served in the militia, should be exempted from the Service of watching, there being a sufficient number of others to perform it, who were excused from bearing arms because of their Principles.

Which being duly considered, Tis ordered by the Governour & Council, That all persons who inlist themselves & serve in the militia, & are accordingly returned in the muster Rolls, shall be exempted from the said service from Watch & Ward, & from the office of Constables, and that a proclamation be forthwith prepared & issued for that purpose.

Thomas Godfrey, attending in pursuance of his Petition, but Toby Leech, not being present, It was ordered, that a further day should be given for both their appearances, & next council day was appointed for the same.

At a Council held at Philadia, 18th 5 mo., 1704.

PRESENT :

JOHN EVANS, Esqr., Lieutenant Governour.

William Penn, junr.,
Edward Shippen,
Saml. Carpenter,
Saml. ffinney,
Richd. Hill,
Wm. Trent,
Geo. Roach,
James Logan.

According to the ordr of the 11th instant, Thomas Godfrey & Toby Leech, with their Council appearing, & the whole matter in Controversy concerning the two Roads, by them respectively contended for, with the matter of the said Godfreys Petition being considered, 'tis Resolved, That whereas, by an act of Assembly of this Governmt, made at Newcastle, A. D., 1700, Intituled an act to Impower the Justices in each County, to lay out and Confirm all roads except the Kings high wayes, & public Roads. One or both of the said Roads are confirmed, & the matter now depending at Law, It is therefore referr'd to the Law, & the proper judges of it to decide the Difference.

At a Council held at Philadia, 2d 6 mo., 1704.

PRESENT :

JOHN EVANS, Esqr., Lieut. Governour.

Edward Shippen,	Caleb Pusey,
John Guest,	Wm. Trent,
Griffith Owen,	Geo. Roche,
Saml. ffinney,	James Logan.

Ordered, That a message be sent to the assembly, (now sitting according to their last adjournmt,) to acquaint them that the Council is now mett & ready to receive what business they may have to offer.

Also, in order to the better consideration of the Bill presented on the 24th of 4th Moth last, 'tis ordered that the Charter of Privileges be sent for, to be perused together wth y^{e} sd Bill.

And the Secretary was accordingly sent on the said message, & returning, brought the said Charter & informed, that at the House he only found a committee sitting, the Speaker not being there.

The Bill presented by the Assembly on the 23d 4 mo. last, to the Govr, being perused and compared wth the Charter, was considered paragraph by paragraph, & it was Resolved, that the sd Bill should not pass without amendmts, and then adjourned.

At a Council held at Philadia, 4th 6 mo., 1704.

PRESENT :

JNO. EVANS, Esqr., Lieut. Governr.

Wm. Penn, junr.,	Caleb Pusey,
Edwd. Shippen,	Jno. Blunston,
Jno. Guest,	Wm. Trent,
Saml. Carpentr,	James Logan.
Griffith Owen,	

Saml. Carpenter, Provincial Treasurer, producing his accots of what he had recvd & disbursed of the Provincial Tax, of one penny per pound, making the sum of his receipts £206 12. 7½, and his Disbursemts £245 7. 4½, and the Ballance due to him £44 17. 4½, the said accot is allowed, provided he give Security for the Sixty Pounds, with which he charges Coll. Andrew Hamilton, Postmaster Genl, as paid him in behalf of this Governmt, for the Encouragement of his sd office, or produce a discharge.

Four members of the assembly, viz : Jos. Growdon, Is. Norris, Jos. Wood & Cha. Read, presented from their House to the Board, a Bill Intituled an act for Confirmation of the Charter of the City of Philadia, & for removing & preventing all Doubts & Scruples, concerning the ffranchises, Jurisdictions, Rights & Priviledges thereby granted ; which was read, & then adjourned to three in the afternoon.

At a Council held at Philadia, Postmeridiem.

PRESENT; the Governour.

Wm. Penn, junr.,	Jno. Blunston,
Edwd. Shippen,	Wm. Trent,
Jno. Guest,	Geo. Roche,
Saml. Carpenter,	James Logan.
Caleb Pusey,	

A Petition to this Board from Wm. Shurdlow, Tho. Barker, Saml. Hallifield & several others of London, subscribers in behalf of themselves & others, Interested in the stock of the free Society of Traders to this Province, now brought from Engld., & presented by Edw. Shippen, together wth a Duplicate of a Lettr from the Propry, directed to the Board, & read on — last, was read, setting forth the great Losses they had sustained in that adventure, & that they are uncapable of rectifying the past mismanagmts, for want of the Books & accots, & therefore humbly pray relief, by calling before the Govr & Council the persons now concerned here, in whose hands the Books & accots are lodged, & requiring them that a true state of all the sd Books & accots may be forthwth sent to England, & that in the meantime all further sales of Lands should be forbid. before the whole affair be digested into such Order as that every subscriber may know his Interest in proportion to their money advanced.

Upon wch 'tis ordered, That Benj. Chambers, said to be late Presidt of the sd Society, & ffra. Rawle & Jos. Pidgeon, also Interested therein, be summoned to bring before this Board, on tuesday come a week, all the Books & accots whatsoever relating to that Society.

At a Council held at Philadelphia, 8th augst., 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Jno. Guest,	Caleb Pusey,
Saml. Carpenter,	Wm. Trent,
Griffith Owen,	James Logan.
Saml. ffinney,	

The Govr informed the Board that a Council having been appointed on the 5th Instant, but did not sitt, a message from the assembly of several members in the afternoon of the said Day, had waited on him in the Council Chamber, & presented a Bill Intituled an act for the better securing & Confirming the Rights, & Properties of the Inhabitants of this Province. And further desired to know, whether the Govr had recvd any advice that the Laws of this Province formerly sent home, were confirmed by the Queen. & whether the Governour had fully considered the act first sent in: and 3dly, whether the Govr had recvd any fresh orders from the Crown, or the Propry, fitt to be communicated to the assembly. To all wch it was Resolved, That an answer should be sent in the afternoon.

And the Council having spent some time in considering the Bills sent to this Board by the Assembly, it adjourned to the afternoon.

At a Council held at Philadia, 9th, 6 mo., 1704.

Present: the Govr., Propr. W. Penn, E. Shippen, J. Guest, Griff. Owen, Wm. Trent, J. Logan.

The Council not meeting yesterday afternoon, according to adjournmt, a message then came to the Govr, requesting his answer to their last message, & again this morning before the meeting of the Council, another message was sent, Informing that the Assembly sate, & requested the Govrs answer. of all wch the Board being informed, It was ordered, that in answer to the fifth part of their message, they should be Informed, That the Govr had not recvd any further advice concerning the Laws; to the 2d, That the Bill should be returned to the House this afternoon, between three & four with amendmts, & to the 3d, Three Letters should be sent to them wch the Govr had recvd, one from the Queen, concerning the admty; One from the Lords of Trade, & another from the Lord Cornbury, concerning the Quota to New York; and that Doctr Owen, & the Secretary, should carry the said answers.

Indian Harrys brother, late of Conestogoe, being arrived in town from the 5 nations, was examined with James Le Tort & Peter Bizaillon, concerning those of the said 5 nations, that have been so long expected here, & Peter Bizaillon was ordered to attend again about 5 in the afternoon

adjourned to half an hour after two in the afternoon.

At a Council held at Philadia, 9th, 6 mo., 1704, Postmeridiem.

PRESENT:

JOHN EVANS, Esqr., Lieutenant Governour,

Wm. Penn, Esq.,	Griffith Owen,
Edwd. Shippen,	Caleb Pusey,
Jno. Guest,	Wm. Trent,
Saml. Carpenter,	James Logan.

The Bill for Confirming the Charter of Privileges was read again, & several amendments being made to it, they were sent wth the said Bill to the House, & Caleb Pusey, Wm. Trent, & the Secry were ordered to carry the same, together wth the answers given in Charge, to Doctor Owen & the Secretary in the morning, the assembly having rose before the sd message reached them. Ordered, that the Bill entituled an act for the better securing and Confirming the Rights & Properties, &c. be Committed to the Commrs of Property, to consider the same in behalf of the Propr, and then be laid before this Board with their report.

The members sent to the assembly returning, make report that they had delvd their message, & that they answer, that they are making all Dispatch to finish the act for establishing of Courts, that they request the other Bills before this Board may be also Dispatched here, & request that their address presented Yesterday, requiring that Satisfaction should be made to their House for some irregular Proceedings of a member of this Board, may be considered and a satisfactory answer returned to them; adjourned till to morrow 9 a Clock, A. M.

At a Council held at Philadelphia, 10th, 6 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Wm. Penn, junr.,	Griffith Owen,
Edwd. Shippen,	Saml. ffinney,
Jno. Guest,	Caleb Pusey,
Saml. Carpenter,	James Logan.

The Council being mett, they spent some time in Considering the Bills sent up by the House of Representatives, & then adjourned to three in the afternoon.

POST MERIDIEM, absent S. ffinney, & present G. Roche.

A Message from the assembly, (by S. Richardson & N. Newlin,) presented to the Govr the Houses answer to the amendmts, made by this board to the Bill for Confirming the Charter sent to them yesterday, and desired an answer to their last address, which was promised this afternoon.

The assemblies answer to the sd amendmts were read & Considred, upon which 'tis ordered, that a Conference wth the House be appointed to morrow at ten of the Clock in the Council Chamber, & Saml. Carpenter, & ———, were appointed to acquaint the House accordingly.

Also in answer to their address, complaining agst Judge Guest, to tell the House that there being nothing of a particular crime charged agst the Judge, this Board could take no notice of it, but that if they had any such thing to alledge agst him, He declared his readiness to answer them, & then adjourned to nine in the morning.

At a Council held at Philadia, 11th, 6 mo., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Wm. Penn, junr.,	Caleb Pusey,
Edwd. Shippen,	John Blunston,
Jno. Guest,	Jasper Yeats,
Saml. Carpenter,	Geo. Roche,
Griffith Owen,	James Logan.

According to appointment yesterday, the House of Representatives came to hold a Conference with this Board, touching the Amendments proposed to the Bill for Confirmation of the Charter, and the assemblies answer to the same, and to the first amendment (as in their answer they agreed); The second about the word Representative was past; the third about the Lower county members refusing to accept of the Charter was contested, and yielded to by the assembly; the fourth past; the fifth & sixth concerning the Power of Prorogation & Dissolution was largely debated, but nothing agreed on, the assembly Departed, & the Council adjourned till to morrow.

12th,
to day.

There being no Council, a message was sent from the assembly to the Governour, requesting his Concurrence to their adjournment, intended to 4th Day next the 16th Instant.

At a Council held at Philadelphia, 19th, 6 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieutenant Governour.

Wm. Penn, junr.,	Samuel ffinney,
Roger Mompesson,	Jno. Blunston,
Edwd. Shippen,	Wm. Trent,
Samuel Carpenter,	Geo. Roche,
Griffith Owen,	James Logan.

The Govr laid before the Board, an address presented to him by the assembly 3 dayes agoe, dated y^e^ 12th, containing a Resolve of the House upon the last Conference.

That to admitt of the Power of Dissolution or Prorogation in the Governour, will manifestly destroy or frustrate the Elections settled by the Charter, which is as a perpetual Writt supported by the Legislative authority of this Government, & will make way for Elections by writts, grounded upon a Prerogative or rather Preeminence, which the Propry or his Deputy are by Charter debarred to resume. But that for prevention of Jealousies, They are willing that a Clause should be added to the Bill, that the time of the assembly sitting from the 14th of 8br, yearly, shall not exceed 20 dayes, unless the Governour shall agree to a longer time. And the adjournment from that time shall not be less than three months, and for every time of sitting, & every adjournment.

The Secretary was sent in a message to the assembly, to Inform them that the Governor & Council were sitting, & to desire a sight of the Charter of Privileges.

The Secretary returning, reported that he had performed his message, but that the House requested the Governour to commend the Record of the said Charter from the Rolls office for the Service of the Board, the original being much wore with using, and that the assembly requested that some of their members might be admitted to wait on the Governour this afternoon, in Company only of Judge Mompesson, & the Secretary, & that he would be pleased to give them notice when he would be at leisure.

Part of the Bill of Property was read & considered, & Information being given, that the said Bill depended in a great measure on a Charter left unfinished by the Govr, It was submitted to the Secretary to compare the Same, and make his Report.

At a Council held at Philadia, 22d, 6 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Wm. Penn, junr.,	Wm. Trent,
Roger Mompesson,	Jasper Yeates,
Saml. Carpenter,	James Logan.
Griffith Owen.	

The Bill for Confirming the Charter of Priviledges, &c. was again read & Considered, with all the amendmts of this Board, and answers of the Assembly to these amendmts, and it was ordered, That a Conference should be held by the Judge, and Saml. Carpenter, Jasper Yeates, & the Secry with the Speaker, and such other members of the House as they should appoint to morrow morning, about the said amendments and answers, and then adjourned.

At a Council held at Philadia, 24th, 6 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieutenant Govr.

Wm. Penn, junr.,	Saml. Carpenter,
Roger Mompesson,	Griffith Owen,
Edward Shippen,	James Logan.

Judge Mompesson made Report to the Board of the Conference had yesterday with the Speaker, & some members of the assembly, concerning the Power of Dissolution & Prorogation, and also of a Conference that at their request he had with the Speaker upon the same head, and upon the whole gave it as his opinion, that except the Propry himself had absolutely granted away the Power of Dissolution, the present Govr can not safely doe it, upon which a message was ordered to the assembly, and the said Judge Saml. Carpenter, and the Secretary, were sent with these words from the Govr in Council to the assembly.

The Govr, upon the best advice he can have upon the Point of Dissolution and Prorogation, cannot be of opinion, that the Propry has granted that Power, and that therefore it is very unsafe for him to doe it. He is very unwillng to have any misunderstanding with the Assembly, & shall alwayes be inclinable to make things easy in this as well as other points, & desires to leave it till further Directions can be had from England, to which he thinks tis fitt that matter should be referr'd, and in the meantime recommends to the assembly to proceed to the Dispatch of such other business of Importance as lies before them, and the Exigencies of the Government necessarily require, and to which the opportunities now presented to them ought to invite & Encourage them.

Judge Mompesson, in his own behalf, gave his opinion to the assembly upon this point, and the above message was delivered. adjouned till Morning, but the Governour fell sick.

the 26th Day.

Five members from the assembly brought an address to the Governour, and presented it in his Chamber, which was as follows: that they could not waive the point of Dissolution, and unless—— the said address being mislaid, could never be entered here.

At a Council held at Philadia, 28th, 6 mo., 1704.

PRESENT:

Willm. Penn, Junr.,	Willm. Trent,
Edward Shippen,	James Logan,
Samll. Carpenter,	wth several others.

Kagundanoyagh, one of ye Chief of ye Onondagoe Indians, wth 7 or 8 others of ye Chiefs of ye 5 nations, being come down to Philadia, in ordr to hold a Treaty to settle a Correspondence wth this Govermt, they were called before ye Council, the Lieut. Governr being by reason of sickness unable to attend.

At a Council held at Philadia, 1st, 7 mo., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Willm. Penn, Junr.,	William Trent,
Edward Shippen,	James Logan,
	wth several others.

An other Conference having been begun wth ye Indians last night, it was adjourned to this morning to be begun anew, and ye Secretary, by ordr, made a speech to them, which being interpreted, Kagundanoyagh answered, & Presents were made on both sides.

At a Council held at Philadia, the 4th, 7br., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Willm. Penn, Junr.	Willm. Trent,
Edwd. Shippen,	George Roche,
Jno. Guest,	James Logan.

To morrow being ye Return of ye County Court of Philadia, The Governr proposed to ye Board to Consider what persons would be fitt to fill up a new Comission for ye said Court, upon wch Jno. Guest, Samll. ffinney, Geo. Roche, Samll. Richardson, Nathn. Stanbury, John Jones, Joseph Pigeon, Edward ffarmer, Rowland Ellis & Andrew Bankson, Junr., were appointed Justices of ye said Court; and then adjourned.

At a Council held at Philadia, the 7th 7br, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

William Penn, Junr.	Tho. Story,
Edward Shippen,	Geo. Roche,
John Guest,	James Logan.

The Governr proposed to ye Board, That whereas, ye assembly had not made any manner of Provision for ye Support of ye Govmt, and there is a necessity that money be raised for Defraying its incident Charges, by all such just & reasonable wayes as ye Law will allow of, & ye Licensing of Publick Houses in all Govmts in Am'ca., being a perquisite belonging wholly to ye Governrs, of wch some Profit is usually made. It was, therefore, Proposed to ye Board to consider what might be reasonable to take for every such License.

Upon wch It was Resolved, That for every wine License alone, should be paid to ye Governr five Pounds; for every ale License, fifty shills; & for every well customed Ordinary, that keeps not stables & sells no wine, four pounds, wch several Rates ye secretary or Governrs Receiver, is ordered to demand & take for every such License respectively, that shall be issued this present year.

At a Council held at Philadia, the 15th, 7br., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Willm. Penn, junr.	Jasper Yeats,
Edwd. Shippen,	Willm. Trent,
Jno. Guest,	Geo. Roche,
Samll. ffinney,	Tho. Grey, Clerk.

A motion being made by Edwd. Shippen touching an Inquiry to be made into the accots of yᵉ Pensilvania Land Compa. It is thereupon, ordered, that Benja. Chambers, Jos. Pigeon & ffrancis Rawle, have notice to attend this Board next third day, (tuesday,) at 10 of yᵉ Clock, when this Board will take that affair into Consideration.

The attorney Genrll desired yᵉ Directions of this Board, after what manner certain Negroes, now in Custody in Bucks County, should be tried, whether as the Law of Engld requires, or as a certain Law of this Govmt provides, to wch yᵉ Govr answered, that a Commission was Issued for their tryal, pursuant to an act of this Governmt, by wch Law alone, while in force, they ought to be tryed, & their Tryal is ordered accordingly. And further, that yᵉ time for yᵉ sitting of yᵉ Provincial Court, now drawing very near, it would be necessary to appoint wch of yᵉ Provincial Judges should goe yᵉ Respective Cir cuits, there being business in several Counties that waited yᵉ said Court.

The attorney further acquainted yᵉ Board that Enoch Story stands Indicted at yᵉ Mayors Court, for entertaining certain Servants of Willm. Bevans, in his house, wch said Enoch demanded of yᵉ Court, an Evidence to be sworn, yᵉ said Evidence being no Quaker, pursuant to yᵉ Queens order, wch was denyed by yᵉ Court.

That there was also a ——— agst Mr. Penn, a member of Council, & requested of this Board after what manner he was to behave himself in that affair.

A Petition of Enoch Story's was also read to yᵉ same purpose, wth yᵉ attorneys Information given to yᵉ Board this day.

Judge Guest moved that certain Rules agreed upon by yᵉ Justices of yᵉ County Court, to be observed in yᵉ proceedings of yᵉ Court of Equity, settled by a Law of this Govmt, may be inforced by an order of this Board to take place in all Courts of this Govmt, which is also to be further considered off.

At a Council held at Philadia, 3d, 8br., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Edwd. Shippen,
John Guest,
Samll. Carpenter,
Willm. Clark, } Esq'rs.

Tho. Story,
Griff. Owen,
Samll. finney,
James Logan. } Esq'rs.

The Governr laid before yᵉ Board, a Paper presented to him 7th day last, by the Mayor & Alderman of Philadia, in yᵉ following words:

To the Hon'ble John Evans, Esqr., Deputy Governr of yᵉ Province of Pensilvania & Counties annexed; yᵉ remonstrance of yᵉ Mayor,

& Commonalty of ye City of Philadia, on behalf of themselves & ye rest of ye freemen of the said Citty, Sheweth :

1st. That we find many of ye good people of this Citty, much discouraged by ye Govrs giving out a Proclamation, exempting all that would list themselves in the Militia, from Watching in their turns, contrary to ye Warrt given forth by the Mayor, for ye safety of the place.

2dly. By ye Governrs not Licensing ye persons recommended in ye Mayors Court, for keeping houses of Entertainmt, untill they had obtained a second Recommendation from the County Court, to ye Charge & Trouble of ye persons concerned, & as wee think a great Infringemt of ye power granted us by ye Charter, & rendring & our authority contemptible to ye Inhabitants.

3dly. By ye giving out a Proclamation, declaring a Verdict given in our Court agst a person for keeping a disorderly house, void, & Commanding ye officers not to execute any writt, pursuant to said Verdict; since wch we find our authority much trampled on, & many affronts given us, both in publick, & in private, all wch doe manifestly tend to our great Discouragemt in ye Suppression of ye growing vice of this place, & is contrary to ye Encouragemt intended us by our Charter, wch ought according to ye letter of it, to be construed most favourable in our behalfs. These are our short hints, in order to an amicable discourse wth thee on these heads, wth what may further offer hoping & desireing that thereby a good understanding may be settled & continued between ye Governr & ye magistrates of this Citty for ye future.

Signed on behalf of ye Corporation,

per. ANTHONY MORRIS, Mayr.

Which being duly considered, It was Resolved, That an answer should be returned in the following words, viz:

The 1st article. Not only by ye Queens order, but also for ye just Discharge of my Duty, in providing for ye safety of ye People, committed to my charge, I find myself obliged to put this Province in ye best posture of Defence yt I am capable. In order to wch ye principal step is ye establishmt of a Militia. This I have endeavoured not without success, tho' ye publick has hitherto given no encouragemt towds it. I therefore thought my power and ye issuing that Proclamation, wth ye advice of ye Council, was ye readiest yt could be thought of. I have reason to doubt yt too many of those good people you mention, are such as oppose a Militia, not from any principle against it, but through an uneasiness to see any thing done under ye present administration, that may recommend us & the Proprietrs affairs to ye Crown. To serve in ye Militia is much more ye duty of ye subject than to watch, & nothing in my Judgmnt can be more reasonable than that those who decline ye one, may engage in ye other, that a double Burthen may not lie on some, while others are exempted ; what I have done on yt head, was wth ye best advice, & I cannot see any reason to recede from it.

To ye 2d. I can boldly affirm yt till I saw your Remonstrance, I never once heard it suggested, that y^e Justices of y^e County ought not to have y^e same power in y^e Citty, concurrent wth y^e Citty Magistrates, If in y^e Eye of y^e Law it be otherwise, to that I must leave it to be determined, & shall be very well pleased to have it decided by proper Judges; as to y^e Recommendations of persons to be Licensed, the County Justices were of oppinion that they were unkindly dealt by, & therefore were willing to assert their Right, (as they took it to be) not with any design to clash, but to act in concurrence.

To y^e 3d. Being commanded by y^e express words of y^e Queens Ordr, to take notice of what is there required & govern myself accordingly upon application made to me in Council, I thought myself indispensibly obliged to observe it, not through any Desire of thwarting y^e Corporation, but to answer her Majesties Commands. I shall alwayes be pleased to see y^e Corporation Supported in their just authority, & shall freely contribute my Endeavours towards suppressing all Disorders, & whatsoever may give Just offence to y^e sober people of y^e place, and I assure you no act of mine shall be designed to weaken your power in y^e Just discharge of your Duty, nor this order of y^e Queens to skreen any Enormities. I desire you to be strict & carefull in suppressing of Vice & Disorders, & you shall find a ready Coucurrence from me in so laudable an undertaking.

Which answer being read before y^e Mayr, Recorder & aldermen, (appearing at y^e Board according to appointmnt,) a Copy of it was given y^e Recorder, signed by y^e Secretary.

The Recorder also acquainted y^e Governr, that this being y^e Day appointed for electing another Mayor, they had thought fitt to present Gr. Jones, to be qualified when y^e Governr should appoint a time, & to morrow at three in y^e afternoon was appointed.

Several Complaints having been publickly made of great Disorders, lately committed within y^e Citty in y^e night season, to y^e great disturbance of y^e sober Inhabitants, & y^e encouragemt of vice by evil examples, It is ordered, That a Proclamation be forthwith issued for y^e Discouraging of Vice & suppressing of Disorders.

At a Council held at Philadia, 4th, 8br., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Edward Shippen,	Griff. Owen,
John Guest,	James Logan.
Willm. Clark,	

Griffith Jones, Mayr Elect of y^e Citty of Philadia, presented himself to y^e board, attended wth y^e aldermen & Common Council, in order to qualify himself by taking y^e several attestations appointed by Law, wch he took & Subscribed.

Ordered, that ye persons formerly concerned in behalf of ye Society of Trade, be summoned to give attendance at this Board, sixth day next, at nine in ye morning.

Willm. Lee & Henry Badcoke, ye persons chosen last Election day ye 2d instant, by ye People for Coroners, being presented to ye Governr that he might choose one of them, & Commissionate him, it was found upon Inquiry, that Pentecost Teague was duly elected & Returned last year, & therefore in pursuance of ye Charter ought to serve three years, or upon default that ye vacancy ought to be fil'd by ye Governr, The Governr therefore appoints ——— ———, to serve for Coroner ye remaindr of ye said three years, & 'tis ordd. that a Comission be forthwith drawn.

At a Council held at Philadia, ye 6th, 8br., 1704.

PRESENT:

JNO. EVANS, Esqr., Lieut. Governr.

Edwd. Shippen,
John Guest,
Willm. Clark,
Samll. ffinney,
James Logan.

Benjamin Chambers, in Compa. wth ffrancis Rawle, appearing in pursuance of ye order of last sitting, was examined concerning ye affairs of ye Society, & He was ordered to give an accot of ye whole transactions to Edwd. Shippen, to be by him transmitted to England.

A petition from James Le Tort, prisoner in ye Common Goal of Philadia, was read, setting forth that he had alwayes been faithful & bore true allegiance to ye Crown of England, & was ready to give such further Security as should be thought reasonable, Yet was abriged of his Liberty and detained a prisoner, and praying for relief therein; Tis Ordered to be further Considered, & Then adjourned.

At a Council held at Philadia, ye 7th, 8br., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governor.

Edward Shippen,
Jno. Guest,
Willm. Clark,
Tho. Story,
Griff. Owen,
James Logan.

The Assembly of the Province being Seperated themselves at their last Session from ye Territories, & ye Circumstances of ye Territories, requiring that some further provision should be made for their Securities & Welfare, It is ordered, that writts be fortwith issued, for calling an assembly for ye said Territories, to elect on ye 25th Instant, & meet at Newcastle ye 14th of November next, & then adjourned.

At a Council held at Philadia, y^e 16th, 8br., 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Governr.

Edwd. Shippen, Tho. Story, Griff. Owen,	Esq'rs.	Samll. ffinney, Willm. Trent, Richd. Hill.	Esq'rs.

The Governr acquainted y^e Board, that on Saturday last being y^e day the assembly were to meet, he was waited on by them, wth their Speaker, David Lloyd, and at their request, ordered Copies of y^e Sherifs Returns of y^e Representatives for y^e Respective Counties in this Province to be made, and Tho. Story & Richd. Hill were sent to y^e House wth y^e sd Copies, & were ordered to lett them know the Governr & Council were ready to Receive them.

The members of Council returned, but brought no direct answr from y^e assembly, whether they would attend or not; adjourned till 3 in y^e afternoon.

At a Council held at Philadia, 16th, 8br., 1704, P. M.

PRESENT:

Edward Shippen, Caleb Pusey,
Samll. Carpenter, William Trent,
Thomas Story, Richd. Hill.

A message from y^e assembly, Jos. Growdon, J. Wilcox & Charles Read, to acquaint y^e Governr that y^e House of Representatives had proceeded to Qualifie themselves, & desired to know what matters y^e Governr had to propose unto them.

His Honour ordered y^e messenger to Inform y^e House he desired they would send him their qualifications, or a Copy of them.

The assembly sending no answer, Caleb Pusey & Willm. Trent, were sent to them upon y^e same message, & returning, brought word y^t y^e Speaker informed them y^t y^e Copies of their Qualifications should be ready this night or to morrow morning, when two of their members shall wait upon his Honr wth them.

adjourned till nine to morrow morning.

At a Council held at Philadia, 17th, 8br , 1704, 9 hora mane.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Jasper Yeats,
Samuel Carpenter, Wm. Trent,
Thomas Story, George Roch,
Griffith Owen, Richard Hill.
Caleb Pusey,

The Governr acquainted the Board that had received from the assembly the Copy of their Qualifications, and Laid the same before the Council, and proposed to them after what manner the assembly were to be qualified, which after some Debate it was Agreed Should be had from the Rolls office, with the Record of the Charter of Privileges was done, and the Clause relating to the members of Assembles Qualifications was Read, wherein it is provided, that they shall be Qualified pursuant to an Act of Assembly, made at New Castle, and that the assembly Should be Judges of the Qualificators and Elections of their own members, which method they were left to make use of according to Charter.

A Message from the Assembly, by Jos. Wood & R. Thomas, to know when his honour would be pleased, that the assembly should have Leave to wait on him, to which his honour sent word that he Expected them within a Quarter of an hour.

The Assembly, with their Speaker, waited upon the Governor in Council, to whom his honour made following speech, viz:

Gentlemen: I must take notice to you, (and I cannot do it but with very great concern,) that notwithstanding my hearty desires and uttermost Efforts for the Publick Service, time has been hetherto wholly lost, and favourable Opportunities for providing for the Exigencies of the Government, and making Good and wholesome Laws, for the Security and Happiness of the people, and other matters of Importance, which I Recommended to the last Assembly's Care & Consideration, have been altogether neglected. Gentlemen, as nothing hitherto has been done, the same things remain still to be Recommended now to you as were before.

In the first Place. to Consider well that nothing can Import more to the Safety and Happiness of a Governt, then well regulated Legislative powers, and a due administration of Justice, as fair an opportunity of Effectually Establishing, which still offers to you as can be wished, and as I am duly Invested with full powers, to Enact you whatever Laws shall be thought for your Good, So you shall always find in me a Ready Concurrence thereto. I Likewise laid before you Last assembly, (as I now Recommend the same to you, Her Sacred Majesty. the Queen's Commands to this Province, relating to y^e summ mentioned in the late Kings Letter, to help towards y^e Defraying such Charges as the Government of N. Y. is necessarily obliged to bear for our common Interest & safety, with other her Majesties repeated Comands on that head, by several Letters Come to my hands, all which I shall be Ready to Lay before you in fitt Time.

Gentlemen: Another matter I shall Earnestly Recomend to yours, (as I did to the former Assembly's,) Serions Consideration, which is the necessity of supporting and maintaining y^e Dignity of Govrt in all its Branches, a Duty Indispensably Incumbent on those who are to nearly Concerned in it, as you who are Intrusted by the People In so large a share of Legislation, and without which no wheel of Govert Can move, for Gentlemen, 'tis not only he that Govers Can answerably Live as becomes them, but no Exigence of State what Ever can be prevented or timely answer'd without it.

GENTLEMEN: There is another thing demands your Care and thoughts, wch is yt all due regard and Caution be had to the Indians, and In a particular manner to those who are suffered to goe among them, for some Late Circumstances give us occasion to Provide, that those who are concerned with them, be persons hearty to the English Intrs and Government.

What Else there may be of moment, & necessary will naturally Call for your assistance. However, this is what at Present Occurs.

What ever it has been, that as hitherto rendered all our Late Endeavours for the Common Good, Abortive & Ineffectual, I shall not touch upon. I Doubt not Gentlemen, but you are truly sensible with that things of So great moment, as I have Laid before you, & so Essential to the very Existence, as well as the well being of a Govt. Ought to Claim your Chief and first Thoughts, and that you are Come together with a full Resolution, forthwith to proceed to such Business without Delay. I promise You Gentlemen, I shall never recommend any thing to you, but what shall be suitable to my Earnest wishes, for the welfare and prosperity of the Government, and I heartily entreat, that nothing may appear but a publick and a Disinterested spirit in every one, becoming the Character you bear: for my part, you shall Ever find me devoted to the publick service, firm to my Duty and the trust reposed in me by the Queen and the Propry, and your hearty friend on all occasions.

I desire that no surmises may be entertained, nor Such reports as some have industriously spread to my disadvantage be hearkened to, and a Copy thereof was delivered to the Speaker, and yn he maid a short speech to this Effect, Viz:

That the Governr had truly taken notice that they were trusted with a Large part of Legislation; that they were plaine men Representing a plaine but honest people; and that had been Customary to have a Chair sett for the Speaker, and other Conveniences for the Assembly, to which the Govr answered that he himself stood, so hoped Mr. Speaker could not take it amiss to do the same.

Adjourned till 3 in the afternoon.

At a Council held at Philadia, Octr. 19th, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, William Clark, Griffith Owen,	Esq'rs.	Jasper Yeats, William Trench, Richard Hill.	Esq'rs.

Ordered that Doctor Owen and Wm. Trent acquaint the assembly that the Govr and Council were sitting in Expectation, they would proceed to business, they went but not with the two members, sent from yᵉ assembly to wait on the Govr, who being admitted, Delivered these message to the Govr at the board, which was as follows, viz:

That the assembly had found by their minutes that Several bills last Assembly were presented to the Govr for his Concurrence, desired to know his mind therein; they also craved an answer to the address of the Last assembly Concerning the amendts to the bill for Confirming the Charter of Privileges, & touching the power of the Govr to Dissolve Assemblies, wh message was taken into Consideration, and resolved that thereupon another be sent to the Assembly By Tho. Story and Capt Hill. In hoec verbit virt.

The Govr and Council, To the Representatives of the Province of Pensylvania.

Gentlemen: The Govr and Council doe Conceive the Request of the House by their last message, wherein the present Assembly desire an answer to the address of a former, not to be a regular method till it shall appear that the matter of the said address be more Especially made the opinion of this present house, which when the Govr shall understand he will be ready to answer.

Capt. Hill and Tho Story returned and brought word the Assembly was broke upp. Whereupon they were Ordered to deliver the said message next day, adjourning till 9 to morrow morning.

At a Council Held at Philadia, the 23d of Octr. 1704.

PRESENT:

JOHN EVANS, Esq'r. Lieut. Govr.
Thomas Story, Samuel ffinney. Caleb Pusey, Esq'rs.
Wm. Trent, Richard Hill. Esq'rs.

The Assemblies Last address to the Govr presented yᵉ 21st instant, upon the matter of the Govr and Council's message was read, being as follows, Viz:

To John Evans, Esqr. Lieut. Govr. of yᵉ Province of Pensylvania.

The address of the Representatives of the said Province, in Assembly met.

Humbly Sheweth:

That the said Representatives finding by the minutes of the last assembly that the answer in the Last address of the said Assembly, was requested to be given to this present Assembly, Cannot but be of opinion that the Desiring of the said answer was of necessity to them that thereby they might be informed what the Governours Thoughts might now be upon those points in that message referred to be now answered, and therefore cannot take the present message sent them as an answer to their request. Therefore we again desire to know thy answer Directly to the said message, which was as well Concerning the Bills lying before thee as the before mentioned address.

DAVID LLOYD, Speaker.

Which being read and Considered, a message was ordered to be prepared in writing to be sent them. And adjourned till 3 in the afternoon.

At a Council held at Philad., the 23 of October, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Griffith Owen, Caleb Pusey, Samuel ffinneis, Wm. Trent,	Esq'rs.	George Roch, Richard Hill.

The following message was sent by Capt. ffinneis and Capt. Hill, in writting, to the assembly, Viz:

A message from ye Govr In Council to the Assembly, Octo. the 23, 1704.

To your last address, the Govr answered (as before,) that notwithstanding any request made of an answer to this assembly, to the address of the last, He conceives You ought not to Expect his opinion of any address or bill, but such only as shall come from this present assembly, by votes of the House. To which, after due deliberation, you shall have his assent or negative, as the Case in Justice may require. The Delays in the Last assembly were unpleasant to all, and ought to be now avoided, and the occasions of them the Governr Cannot forbear putting you once more in mind, that you are now Convened for the publick service, which ought to be your only aim. Excluding all other designe, the Govr has been and is still ready to receive what Ever you shall propose for that Service, desiring that nothing Unnecessary or untimely may Interpose, whereby his good Designe for the common welfare and Tranquillity will be frustrated.

The members of this board sent with the message return'd, and reported, that they had Received the said message in the Assembly, and Deliver'd the same in writting to the Speaker, who in the name of the house, promised to take the same into Consideration.

Mr. Joseph Pigeon was admitted a member of this Board, and took the usual oaths.

A petition from Nicholas Gateau was read, Complaining of his Imprisonment, and that he had been wronged of his goods by Nicholas Godin, and produced a note with the particulars and their value, amounting to £34 4sh. 9d, which being considered, it was thereupon ordered, that inquiry be made of ye said Godin or Wm. Sloby, what goods they have of ye said Gateaus in their hands, and that they produce an account to this board of the same.

At a Council held at Philadia, Octo. the 25th, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Richard Hill,
Caleb Pusey,	Wm. Trent,
Jasper Yeats,	James Logan.

A Bill from yͤ Assembly being this day presented to the Govr, Intituled an act for Removing and preventing all question and Disputes Concerning the Convening and sitting of this present assembly, and for Regulating the same, and also for the Confirmation of the Charter of privileges, was read, and being Compared with former bill, the amendmts that were made to that Should be also made to this, and the other additional were considered, and the Board adjourned till to morrow at 9 in yͤ morning.

At a Council held at Philadia, October the 28, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Richard Hill,
Thomas Story,	Wm. Trent,
Samuell ffinnes,	Jos. Pigeon,
George Roche,	James Logan.
Caleb Pusey,	

The Council entred into yͤ Consideration of the Bill laid before them last sitting, and spending some hours in debate upon the power of Dissolution, whether Consistent with or granted away by the Charter, came to no Resolution.

Two members of Assembly, in a message presented to the Govr, a bill Intituled an act for the better securing and Confirming the Rights & Properties of the Inhabitants of this province, and Informed the Board that yͤ House was Desireous to adjourn for a week, that the Council might have time to Consider of the Bill Presented.

To the Latter the Govr answered, that he must speedily goe down to New Castle, and was very desirous to have business done before they should break up; that therefore, if they found any necessity to adjourn, they must make it for a shorter time, and it was proposed that they should adjourn to 4th Day, Wensday next.

A bill Intituled an act, that a Solem affirmation shall pass in this province, instead of an oath; was Read and Debated, & yn adjourned.

At a Council held at Philadia, Oct. the 31, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Richard Hill,
Esq'rs.

James Logan,
Jos. Pidgeon,
William Trent.
Esq'rs.

A petition from Nich. Gateau, the french Cook, Setting forth, that he had lived several years and dealt honestly in this place, but finding a necessity of departing the Province Clandestinely, by reason of the People's Ill will to him, he had been now imprisoned for 9 weeks, & therefore prayed for relief, & that is Goods might be restored that were detained from him, was Read and Considered, and thereupon tis ordered, That in Case he can give good Security, in the sum of One Thousand pounds, that he shall behave himselft well & peaceably, and shall not depart at all the province of Pensylvania, nor from Philad., above 25 milles up or down the River, nor above ten milles backwards in the Country, he may be Inlarged.

A Petition from James le Tort, prisoner in Philadelphia Goal, was read, setting forth he always bore true allegiance to the Crown of England, and was ready to give all possible assurance of his resolutions to continue in the same, that he has been detained a prisoner for a considerable time, in the said Goal, only on suspicion, and therefore prayes Relief.

Which being considered, 'Tis ordered that unless the said Le Tort can give sufficient security for his good behaviour in the sum of one thousand pounds to be produced at the next sitting of the Council, He be still detained prisoner.

The bill presented by the Assembly Intituled an act that a solemn affirmation shall pass in this province, instead of an oath was considered and Debated, and 'tis thereupon ordered, that because the said act is Contradictory to the Queens Orders, Injoyning Oaths to be administred to all persons that are willing to take them in this province, &c. and that to putt the said act forthwith in practice would be the readyest means to have it quashed. Therefore, that by an Amendmt a proviso be added, that the said act shall not be in force untill the Queen shall be pleased to Give her assent to the same, and then adjourned till to morrow at 9 in the morning.

At a Council Held at Philadia, the 1 of Novbr., 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edward Shippen,
Griffith Owen,
Caleb Pusey,
Richard Hill,
Esq'rs.

Wm. Trent,
George Roche,
Jos. Pidgeon,
James Logan,
Esq'rs.

The Bill Intituled an act that solemn attestation shall pass, &c.

was further considered and Debated whether it might not be more consistent with the royall Charter for this Province, and more safe to make the proviso, Ordered to be added as an amendmt to the said Bill to be, that the said act should not be in force untill 6 months after it should be presented to her Majesty for her Royall approbation, unless her Majesty should be pleased to give her assent sooner. But nothing was resolved thereon.

The Bill for Confirmation of the Charter of Privileges was also further Considered and several amendmt Ordered to be made to it.

The Case of James le Tort was also further Considered, and then adjourned till to morrow morning at nine of the Clock.

At a Council Held at Philad, the 2 of Novbr. 1704, P. M.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Caleb Pusey, Esq'rs.

Richd. Hill,
Jas. Pidgeon,
James Logan,
Capt. Roche. Esq'rs.

The Attorney Genl. Informed the Board that last night there had been a great fray in the City between the watch and some Gentlemen; that the Gentlemen had received great abuses from the watch who were backed by the Mayor, Recorder and one alderman: that the peace had been broake, several persons injured, and the Mayor and Recorder. (according to his Information,) concerned as parties, the triall could not be brought into the City Court, and therefore he laid it before the Govr, whether ought not to be orderd in some other proper Court, Upon which notice being given that several persons concerned in the fray were attending without, it was ordered that they should be called in. And being accordinly Called, they were examined, But it not being made fully appear that the said Mayor, Recorder, &c. were really parties in the Quarrel, or had proceeded beyond the bounds of their Duty, the Examinants were dismissed, and it was ordered that they Mayor, Recorder, & the said Alderman should be called to appear at y^e Board in the afternoon.

Ordered also, that an amendment should be added to the bill for Confirmation of the Charter of privileges in that part of it were the Qualifications of members of Assemblys are prescribed that according to the Usual practice of this Prov. in such cases heretofore, the members should be Injoyned to promise fidelity to the Propter. and Governt. And then adjourned to four in the afternoon.

At a Council Held at Philadia, Novbr. 2th, 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edwward Shippen,
Thomas Story,
Caleb Pusey,
Richd. Hill,
Esqr's.
Wm Trent,
Jasper Yeats,
Jos. Pidgeon,
James Logan.

The Mayor, Recorder and Jos. Wilcox, and alderman of Philadia, being summoned to appear at this board, accordingly came and gave an accot of the fray which was last night in the Streets to the Govr and Council, by which account it appeared they were no other wayes Concerned in it than to quell the disturbance.

A Second petition from Nichl. Gateau was read, and le Torts Business further Considered, but both were Ordered according to the former minutes. The bill for attestation was further Considered and Debated, and then adjourned till morning.

At a Council Held at Phild., November the 3, 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Caleb Pusey,
Esq'rs.
Richard Hill,
Jasper Yeats,
James Logan.

The amendments to the Bill for Confirming the Charter of Privileges, &c., were read and approved of, & Edward Shippen and Jasper Yeats Where order'd to carry them to the House with the Bill, and to desire the Assembly to return them again with the Bill to this board when Considered, & then adjourned to 3 in the afternoon.

At a Council Held at Philad, Novbr. the 3, 1804.

Iidem qui antea & Wm. Trent.

The Bill of property was read over and some parts debated, & then adjourned.

At a Council Held at Phild, Novbre. the 7, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Griffith Owen,
Wm Rodeny,
Richd. Hill,
Esq'rs.
Wm. Trent,
Jos. Pidgeon,
James Logan.

Joshua Carpenter & Thomas Masters in a message from ye Assembly presented to the Govr their answer to the Amendmt to the bill for Confirming the Charter of Privileges, &c., which were read and Considered, and several answers Resolved on; and because in many points this Board and the Assembly still widely differed, it is ordered that for the more speedy Dispatch of Business a Conferance be required and appointed with the Assembly at nine in the morning, and Edward Shippen & Richd. Hill are ordered to Carry The message, and the Council adjourns to Eight in the morning.

At a Council Held at Philad, Novbre. the 8th, 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edward Shippen,
Thomas Story,
Caleb Pusey, } Esq'rs.
Wm. Rodeny,
Richd. Hill,

Jasper Yeats,
George Roche,
Jos. Pidgeon,
James Logan.

Edward Shippen and Richard Hill made report to the Board, that going to attend the assembly Yesterday according to orders, they found they were adjourned to ten this morning, butt that now upon their meeting they had Deliver'd their message.

Jos. Wilcox and Nicholas Pyle in a message from the assembly in the name of the House, Requested that the Govr would send them the Heads that were designed to be Discoursed of at the Conferance, in writting.

The Govr informed them, that the subject of the Conference was designed to be our amendment and their answers, with which they were fully acquainted.

The Representatives not appearing in time, the Conference is appointed at 3 in the afternoon, and Thomas Story and Jasper Yeats are ordered to inform the House accordingly, and then adjourned till half an hour after two in y^{e} afternoon.

POST MERIDIEM.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen, } Esq'rs.
Caleb Pusey,
Wm. Rodeny,

Jas. Yeats,
Wm. Trent,
Richd. Hill,
James Logan.

Jos. Wood and John Swift, in a message from the Assembly, in answer to the message sent to them in the morning, acquainted the Govr that the House had Ordered them to Inform his Honr, that they were willing to wait upon him by a Committee, But not in the whole

House, Upon which they were ordered to withdraw, and an answer should be sent them from this Board. And a message was agreed on, and drawn up in the following words:

Having by a message to the House this morning, required y^e attendance of y^e whole House, to the End that the matters that are now in debate between us may, if Possible, be accommodated, with out further loss of time, which message, tho' of Great Importance and so good a tendency, the Govr is Extreamly surprized to find not Comply'd with, according to the known Duty of the House, when the publick service requires it.

The Govr therefore Informs the House, (since it seems by the answer Question'd,) that it is his undoubted Right and never yett disputed, and that no Couleur of reason can be urged to the Contrary, nor can he see what Judgment can be made of a Refusall, Consistent with an Inclination to Dispatch the Business before the House, for the Ease and welfare of the Countrey.

If they persist in this Resolution, and deny so requisite a Discharge of their Duty, He must take notice of it as a failure, & insist upon the Last amendmt to the bill as sent from the Council, without further argument upon it, Seeing they are not willing to agree to the most proper expedients to come to a right understanding.

Which message, Tho. Story and Wm. Trent were ordered to Carry to the House, & there Read and Deliver it.

And being returned, they reported to the Board, that the House was adjourned to nine in the morning, & that the Speaker informed them that they had passed a vote not to admitt of any Confereance with the whole house, only by Committees, and not otherwise.

The same message was ordered to be delivered in y^e morning, & then adjourned.

Nov'ber the 9, 1704.

The Council mett both before noon and afternoon, waiting for the assemblies answer, but not receiving it adjourned till morning.

At a Council Held at Philadia, Nov'ber the 10, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Caleb Pusey,
Wm. Rodeney,
Esq'rs.
Richd. Hill,
Wm. Trent,
Jos. Pidgeon,
James Logan.

The Govr having yesterday, in the Evening, Recd the following message, he Communicated it to the Board, and it was in these words:

To the Honourable John Evans, Esqr., Lieut. Govr of y^{e} Province of Pensilvania, & Territories thereunto annex'd.

The Address of the Representatives of the Said Province, In answer to a message Received y^{e} 9 of Novbr, Anno Domini, 1704.

Humbley sheweth:

That whereas by a message from thee and thy Council, to the Assembly this morning, thou art pleased to Continue thy Request of the attendance of the whole House to Debate upon the amendmts Offered to the Bill for Confirmation and Explanation of the Charter of Privileges and to Express thy surprize of our proposing to wait on thee by a Select Committee, which we are of opinion is the most speedy way to Dispatch any Business of that nature, & according to the Parliamentary proceedings in such Cases, and not Contrary to our duty in refusing to answer thy Expactation by the said Message, neither Can this House agree that it is thy Right to require our waiting upon the In a full House at all times, it not being the practice of England butt upon Especiall occasions, we having a Right to parliamentary Privileges by our Charter, and we hope that by the Bills presented to the Govr, we have sufficiently demonstrated our Inclinations to Dispatch those things that In our Opinions are necessary for the good Ease and quiet of those we Represent; and therefore cannot but Resent that Charge as a very Great Reflection upon the Continued Endeavours of this House. The House as yett Cannot see Reason to alter their resolution of waiting upon thee In a Committee appointed separately from the House, and think they shall not thereby neglect the Discharge of their duty, nor give Just occasion for any Reflection to be cast upon them for their Default therein, Notwithstanding the opinion of the Council which this House doth not look upon as Concerned any further than as a Council of State, & no part of the Legislative power of this Governmt.

We shall take Leave further to offer to thee that if the particular Heads or subject matter of the Desired Conference were adjusted, we doubt not butt this House being willing to Comply with Every thing that is reasonable, in order to a good understanding betwixt thee and us, provided the said Condesention be not brought as a Presedent for after Proceedings.

Which being Considered, It was ordered that an answer should be drawn up which was done in the following Words.

GENTLEMEN:

Seeing you have thought fitt not to afford me an opportunity of speaking to you, I must now take this method in writing, to acquaint you that when you mett almost a month agoe, I hoped by this time we should have dispatched some of the Important affairs before us for the publick Good.

But by the measures that are taken, there are Continually such obstructions thrown in the way, that I cannot, but with trouble, reflect on the Loss of so much time to so little purpose.

I have always been willing to grant all on my part, that I could believe consistent with my Honr, and the Trust reposed in me. In the Bill Last under Debate, there are some things Offered that I cannot assent to, but for adjusting it, I was of opinion that the most Effectual method would be to acquaint Every Representative in the House, being all Equally Concerned for the people with my Reasons, and Endeavor to accommodate the Difference by a free Conference with the whole House of Delegates of the people Committed to my Charge, which I must still say is my Right, for none can with any Colour of Justice dispute of my privilege of Speaking to all men In my Governmt as I shall see Occasion, seeing I desire not by it to Invade any privilege of the People, But aim at their own good.

But instead of Effecting this, there is now started the most Unaccountable & unpresidented objection that as been heard of, which under pretence of Parliamentary privileges, that there is no manner of Occasion given to dispute, Can have no other Consequence than what as been the effect of this, viz: y^e Loss of time and delay of Business.

I desire You Gentlemen, as you tender the welfare of the people whom you Represent, seriously to Consider what must be the event of such measures if still persisted in, and how the Loss of the Opportunities now putt into your hands, Can be accounted for hereafter, should they once be slipt past retreiving, which cannot but be reasonably Expected, if no other methods be taken.

I have no ends of my own to Carry on but what are also Interwoven with your Honr & wellfare, and if there be any others, that for sinister Designe Cannot wish well to the present administration, I would willingly hope you would always use measures to disapoint them, which cannot be by any other means than by heartly studying and Union in all the parts of Govrmt, and endeavouring to Close up any difference that may arise and not make them wider; to remove and prevent Difficulties and not start or Insist on them, to which good End I have been troubled to see some of your messages not to have so near a tendency as our frds. might wish for.

I shall not give myself leave to believe such Expressions of undecentcy as I have sometimes received, are really the sentiments of the people of this province, Now represented by your House; for they have never had Cause for it, and am sorry to think there should be any who can use a Language that is so far from appearing to be Dictate of a mind Disposed to Union; and to see you so needlessly take an occasion to mention the Council which so little Respect on a point that I always took to be fully understood between us, those gentlemen that are pleased to spend their time in assisting me at the Council board for the public service, without any reward, ought in Justice to be duly regarded in their Stations by every man that is for supporting the Honr of Government and wishes well to its prosperity.

My time is now near Expired that designed (as you have been told before) for this session, & I am obliged for some time to be at Newcastle, I therefore must now only require the answer that is demand'd to another paper sent here, and then think it proper that to morrow you be adjourned to the first day of March next unless the occasions of the Governmt Require you to be Called together sooner; and I desire you against next meeting, which I hope will more Effectually answer the publick Good, to Come to a full Resolution to Guard against all things that may retard business; to maintain and fortify Your real Privileges as Englishmen, which is the power of making yourselves by the benefit of your Constitution in a great measure happy, and not weaken or render them fruitless by tedious delays in unnecessary Scrutinies into their Extent; to Consider that no Governmt Can Be happy but where there is an Union between its parts, and that the real Interest of Both Govermts and the Governed are Interwoven; And to remember that none of you are to act now as private men or to use any private Resentments, But are all Concerned for the Wellfare of the whole province, to which if you neglect to make what provision lies in your power, the whole Governmt Suffers by it.

And Edward Shippen, Richard Hill & James Logan were Order'd to Carry the said message in writing, and to read it in the House and Deliver it to the Speaker to Gether with the following, Viz:

The Govr to the Assembly, the 10 of Novbre., 1704.

GENTLEMEN: I have been credibly Informed by Severall persons that there as been lately sent over to the proprietary and Chief Govr in the name of the Assembly of this province a Letter of Remonstrance, Complaining (as tis said) of several Grievances, Both in property and in Govern, that required to be Redressed.

As the Proptr. has taken care that the should be fully Represented in both these here upon the spot, So I cannot but with reason admire and tell you I am highly Concerned that Remonstrances of any kind should be made and sent home without first acquainting me, in affairs relating to the Governt, and those Gentlemen who are Concerned in affairs of Property having Expressed the same in relation to themselves, Joyn with me thus far Letting you know our thoughts.

It is without Question, my undoubted right to be Informed of what as past of kind like this, and application in all affairs relateing to the Government Should be made to me, who am sufficiently Invested with due power to Redress the Grievances thereof, and have the opportunity of Inquiring into the true state of affairs before they shall be heard of any farther, and reason it self will say, there is no Justice due to the proprietary Deputies the Commissioners.

I require not this Gentlemen of you, the present Assembly, as if I understood it to be your Immediate act, but as you are the Representatives of the people, and successors to the former assembly, you have all things in your power that are or have been Transacted in that House, and therefore Lett you know that I think it my right to

Be fully acquainted with that Letter, seeing it must needs have been the Result of some vote, and accordingly, I desire a true authentick Copy of it as soon as it can be drawn, may be Delivered to me, and I assure you whatever is Remonstrated in it that lies in my power to redress, I shall take proper measures in it to the best of my power, and the same I have reason to believe will be done by the Commissioners.

And the said members departing with the said message, the Council adjourned.

November the 11th, 1704.

No Council.

The Govr having last night received a message from the assembly In writing, In the following words, Viz:

To John Evans, Esqr., Lieut. Govr of the Province of Pensilvania, &c.

The Address of the ffreemen of the Province of Pensilvania in Assembly mett, y^e^ 10 of 9br., 1704.

Sheweth:

That whereas, a petition was Exhibited to this House, by John Budd, Junr., of Philadelphia, setting forth, how he & Benjamin Wright, were at the Last Election chosen to be presented for the Govr Nomination of one of them, to be Qualified to Serve sherif for the City and County of Philadelphia, and accordingly presented themselves to the Govr, the third day after the said Election, According to the Direction of the Charter of privileges; But that the Govr answer'd, that it was his opinion it was not the peoples privilege so to elect, and until he was Otherwise persuaded, he would Continue the then Sherif, which is accordingly done to the Violation of the said Charter, as by the said petition, and another petition from divers Inhabitants of the said City and County, as also by the report of the Committee of Grievance is made appear to this House.

Therefore, it is the Humble Request of this House, that the said John Budd, (being the first of the two persons so Elected and presented,) may be duly Qualified by the Govr, to officiate in his said place as Sherif, and that the Late Sherif, John ffinney, may be required to forbear Exercising the said office, in Opposition to the Election of the People.

Signed by Orders.

DAVID LLOYD, Speaker.

To Which the Govr sent the following answer.

GENTLEMEN:

In answer to your address Concerning the Sherif of Philadelphia, I assure you, that it is in no Respect owing to an inclination to violate the Charter, or break any Privileges of the People, (for I shall always be as tender of these as any man,) that I have not Commissioned another person upon the Last Election, but to my Opinion, which I think is well Grounded, that the peoples right to Choose by the Charter returns not till next year. I never was of opinion that the people have not the privilege of Electing, (and my words there are misrepresented,) but that they cannot Elect every Year is plain, by the same Charter that gives them this privilege. What disputes may arise hereafter upon this head, I have been willing to Joyn with you to prevent in the Bill Last in debate, and the misunderstanding this present year Can be of no great Consequence, seeing the place is sufficiently supplied; however, I shall take it further into Consideration.

I wait for the Copy of the Remonstrance which I yesterday desired, before I Leave the town, on which I depend, as already Ordered, or to be Ordered before you rise. And for this time I dismiss you from this present day to the first Munday In May next, unless you receive notice from me to mett sooner.

Signed. JOHN EVANS.

A message from the Assembly, by two members, acquainted the Govr, that taking the Govrs Message concerning the Remonstrance into Consideration, ye House had ordered that it should be sent for back from New York.

A Council having been held for some days at Newcastle: see the perticular minutes them Selves.

At a Council Held at Philad., the 8 Decembr, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
John Guest,
Wm. Clark, } Esq'rs.
Griffith Owen,
Richd. Hill,

Wm. Trent,
Capt. Roche,
Jos. Pidgeon,
James Logan.

A pacquet being arrived Last night from the proptr. by Capt. Robinson, there was sent Inclosed a Letter from the Lds. of Trade, &c. accompanying Several of the Queens Proclamations, for Settleing and ascertaining the Current Rates of forieng Coins in her Majestys Colonies and Plantation in America, together with a Computation made by Mr. Newton, Master worker of the Mint, according to which all forieng Coins may pass in the said Plantations, In proportion to the rates Limited by the said proclamation, which Letter required the proclamation to be published, and was read, and thereupon ordered that the said proclamation should be published to morrow before noon, in Philadelphia, & that others of them should be sent to the Lower Counties.

A Letter (Sent by the same pacquet) from the Right Honble Secretary Hedges, was also read, accompanying and Injoyning the observation of an additional Instruction from the Queen, (Signed by herself,) for opening a Trade with the Spands. In the West Indies, dated 4th May last; also a Copy of the Earl of Nottinghams, late Secretarys Letters to the Govr of the plantations, for allowing the said Trade, all which were Read, and thereupon 'tis

Ordered, that notice be given of the said additional Instruction to all privateers, Letters of Marque men, and others whom the same may Concern, that shall at any time sail out of this Govrmt. And then adjourned to 2d Day next.

At a Council Held at Philadelphia, Decemr, the 11, 1704.

PRESENT:

JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
John Guest,
Samuel Carpenter,
Wm. Clark,
Thomas Story, } Esq'rs.
Griffith Owen,
Caleb Pusey,
Richd. Hill,
James Logan.

A Petition from Thomas Revel, of Burlington, in the Province of New Jersey, Exr. in trust, and Guardian for the Children of John Tatham, late of Burlington aforesaid, Esqr., and of Elizab. his wife, Deceased, was read, shewing that the petitr. in behalf of the aforesaid Children, having commenced an action against Jos. Growdon, of this province, about the Title of a Certain tract of Land in Bucks, possessed by the said Joseph, & had served him with a Declaration in Ejectmt, at y^e Court of the said County, & waited for a Tryal for near 3 years, yet was putt of from Court to Court, and at Length positively denyed; whereupon, he prays that some Effectual means may be ordered to bring the matter to a fair hearing and Tryal.

Ordered, that John Moore, Attorney for the said Revel, and David Lloyd, Attorney for the said Growdon, be ordered to attend 3d Day next week, that the matter of the said petition may be further Inquired into.

A petition from Enoch Story, of Philadia, was read, setting forth, that in 7br, 1703, he had for 10 dayes Entertained the County Justices at his house, in their County Court, at the request of Capt. Jno. ffinney, Sherif, who assumed to Discharge the Expences, therefore notwithstanding, which tho' he had made frequent application, both to the said Justices and Sherif, he could never gett any Satisfaction, and therefore prayes that the premises may be Examined, and the Petition Directed to whom he shall apply for his Just Debt.

Ordered, that this be more fully Inquired into when Capt. Saml. ffinney comes to this Board.

A petition from Jos. Yard, of Philad, was read, Complaining that he was finned at the Last County Court, in forty shillings, for not taking an oath, notwithstanding he had declared he could not take one nor had Ever taken one in his Life, and therefore prayed Relief.

Which being largely Debated, and the Design and Intent of the Queens Orders Concerning Oaths and affirmations considered, 'Tis Ordered that the Records of the Court be Examined Concerning this fine, and the whole matter of affirmation and Oaths be further Considered at the next sitting of this Board.

An address from the Mayor and Commonalty of the City of Philadia was presented by the Mayor, attended with the Recordr & Aldermen, Complaining that the County Justices interfered with the City Magistrates in their Jurisdiction & administration, and notwithstanding their former application to the Govr, in this behalf proceeded & were Incouraged to take Indictmts, &c. Upon matters Cognizable by the said Magistrates, and had also fined one of their Corporation for not taking an oath, and therefore prayed the County Justices might be prohibited the Like for the futher, and they thereupon Delivered to the Govr a Record of their Charter for his perusal, upon which the Govr promised to take it into Consideration, and they withdrew. Adjourned.

At a Council Held at Philadia, the 19th 11 mo., 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.
Edward Shippen, John Guest, Thomas Story, Griffith Owen, Wm. Trent, Esq'rs.
Richd. Hill,
George Roche,
Jos. Pidgeon,
James Logan.

Some of the Petitions presented Last sitting to this Board, were further Considered, and upon the petition of Tho. Revel, John Moore his attorney, and David Lloyd were sent for and questioned Concerning the proceedings in that affair. Jno. Moore, in behalf of the Petitr., informed the Board what Endeavours has been used to bring the matter in Difference to a Tryal, by a Declaration in Ejectmt; and David Lloyd, in behalf of the Defft., argued that that method of Trial being fictitious, was Inconsistant with our laws, and offered other methods which being Considered, Tis ordered that before any resolution be Entered into, Joseph Growdon be sent for to ye Board and Discoursed. Adjourned.

At a Council Held at Philadia., the 23d, 11 mo, 1704.

PRESENT:

JOHN EVANS, Esqr. Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Wm. Trent,
} Esq'rs.
Richd. Hill,
Jos. Pidgeon,
James Logan.

Nicholas Gateau exhibits again his former Complaint, that Sundry Good swere taken from him, some by Nich. Godin at Sasqueh: and other were now or lately in the possession of Wm. Slooby, and Request that Justice may be done him in that behalf.

Jos Growdon being sent for, appeared at the Board, and Thomas Revels petition being read to him, he purge himself of being the Cause of the Delay, says he was once willing to Come to a Tryal by Ejectmt. but as since Considered it, & finds that method wholy Repugnant to the Law of this Province, but declares himself willing to come to a Trial by any Method agreeable to our Laws which he Conceives to be by a Declaration Ordered that the Law be Considered.

John Andrews, under Sherif of Philadelphia, was Called Before the Board, and questioned Concerning the proprs. Levies, and what progress he had made In Collecting them. But giving no good account he was sharply Checked, and Injoyned by this day week to render a better account or his principal, & himself must be otherwise proceeded with.

Ordered, that the fine laid by the Last County Court of Philadia, Upon Jos. Yard, of wh he Complained to this Board, by Petition, the 11th of Xbre last, be remitted, and that he be forthwith Reimbursed of the same. Adjourned to 3d Day next.

At a Council held at Philad., the 6 febr., 1704.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Caleb Pusey,
} Esq'rs.
Wm. Trent,
Jos. Pidgeon, &
James Logan.

A Letter from Nehem. ffield, of the County of Sussex to the Govr, was read, Informing of one John Williams of ye said County, who was found to have Committed Self murder, By hanging himself in is own Loft, & thereupon Craving Direction what should be done with ye Estate, upon which a Debate arose, whether those of the Terrs. have a Right now to the privileges of the propts. Charter, by the 8th article, of which he was pleased to grant away all forfeitures of Estate upon Self murther, And being argued, It was Concluded in this point to be the safest method, and thereupon 'tis ordered, that the

Coroner of the County shall take an Inventory of the whole Estate of the Defunct, both real and personal, and take the same into his possession, or good security for its value from such persons as now have it, & Claim any Right to it, till such time as ye above said Questions shall be Decided.

The address from the Mayor & Commonality of Philadelphia to the Govr, Complaining of his Commissions interfering with their Charter, and Craving a redress, was again read, and further Considered and Debated.

At a Council Held at Philadelphia, 21st, 12 mo., 1704.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samuel Carpenter,
Thomas Story,
Griffith Owen, Esq'rs.

Wm. Trent,
Richd. Hill,
James Logan.

The Petition of Thomas Revel being further Considered, and the Law for Regulating of Courts Inquired into. 'Tis ordered, that both the Complainant and Defendant be summoned to appear before this Board next Council day, Viz: the 27th Instant, either by themselves or their attorneys, to be Confered wth about this matter.

Upon a petition from John Eastbourne, of the County of Bucks, complaining to this Board, that whereas he had obtained the Govrs writt of Error, to stop the levying of a Certaine Execution obtained against him upon a Scire facias, Issued by the Court of the said County, & had served the same. Yet the Sherif, by a Violation of his Duty and attestation, notwithstanding the said writt of Error was served, did by a Combination with the plaintiff in the writt of Scire facias, Levy the said Execution upon the Petitioners Horses, Cattle, winter provisions, &c., by which he his reduced to the greatest necessities, and thereupon Craves redress, and that ye Sherif may be obliged to answer his proceedings herein.

Tis ordered, that the Sherif of the said County, next Council day, (the 27th Instant,) answer to this Board for the Breach of his Duty, alleged against him In the said Petition, and that the Petitioner also attend to make good wch is alledged.

Wm. Slooby having Exhibited an acct of his Charges in apprehending the french Cook, 'tis ordered, that he appear at this Board next Council day, to answer to the articles of it.

Upon an Information that Martin Chartier and two other ffrenchmen, on Sasquehannagh, Intend shortly to depart this Govmt. Tis ordered, that the Sherif of Newcastle, being the neighest to their place of Abode take it into Charge, diligently to observe their motions and Desingns, and in Case he can find any probable Grounds to believe they such a Desingn as aforesaid, that then he forthwith apprehend & secure the said Martin, and his accomplices, and then they adjourned.

At a Council Held at Philadelphia, 27th 12 mo, 1704.

PRESENT:

The Honrble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Thomas Story,
Griffith Owen,
Wm. Trent, } Esq'rs.
Richd. Hill,
Capt. Roche,
James Logan.

Ordered that the Complainant & Defft. in Thomas Revels Petition be summoned to appear next Council day, y 6th of the next month, by their attorneys J. Moore & David Lloyd. Wm. Slooby's account being Examined, and himself required to answer to the several articles thereof, 'tis ordered that the two Articles of £15 & £8 for his own Trouble Be deducted, and fourteen Shillings per Diem for a man and a Horse be Reduced to 9 Shillings

Wm. Biles, Junr., the present Sheriff of Bucks, appearing at the Board according to orders with the Complainant, Jno. Eastbourn, the Petition was read, & the Sheriff required to answer the Charges against him In slighting the Govrs writt. Butt the Sheriff making it appear that Security was not given for the said writt according to Law, and purging himself of what was Exhibited against him, he was discharged from any further attendance.

Samuel Preston having been appointed Collector of the Propts. Levies for the county of Sussex, by the said County, of which Levies he had Collected onley one moiety, & being now by his Residence in Philadelphia, rendered Incapable of going through with the whole, tis ordered that Luke Watson, the present Sheriff of Sussex, proceed forthwith to Collect the other moiety of the said Levies, & that Nehemiah ffield be assistant therein to him.

At a Council held at Philad., 6, 1 mo, 1704.

PRESENT:

The Honble JOHN EVANS, Esqr. Lieut. Govr.

Wm. Clark,
Griffith Owens,
Richd. Hill, } Esq'rs.
Wm. Trent,
James Logan.

Two Indians from the Shawannais, upon Delaware, being lately arrived In twon, (as the Govr has been informed,) Upon a message from their King, were Called in to Give an account of their Business, which they declared to be that Considerable numbers of that & some other adjoining Nations, designed to come down hither to trade, they were sent to inquire whether they could be furnished with sufficient qtts. of goods & at what Rates.

To which they were answered, that the greatest part of our Last imported goods being sold off, we have no quantity of any sort left but Powder and Lead, but that in the fall we expected another supply, and that at all times we Should be glad to trade wth them.

Cornelius Wiltbank, Brother in Law to Jno. Williams, who hanged himself at Lewis, having waited on the Govr & acquainted him that he desired & requested Lettrs of administration on the said Defuncts Estate, & the Govr acquainted him with the orders made Concerning that Estate, the Six of the Last month. The said Cornll. Wiltbank appeared at this Board and pleads that his Brother in Law was not Compos Mentis at the times of making himself away, and that it plainly appears to be so by the Inquest then past upon him.

But 'tis Questioned by the Board whether that Inquest being made by a Justice of the County, and no Coroner, be valid, and hereupon 'tis left to the said Wiltbank and his Council to prove that the said Inquest is valid in Law, and should it be so prov'd, that then he further make it appear that by the Tenor and words thereof, the Defunct was not Compos mentis in the Eye of the Law and his Estate not forfeited. Adjourned of Course.

At a Council held at Philad., 13th 2d mo, 1704-5.

PRESENT:

The Honble JNO. EVANS, Esqr., Lieut. Govr.

Judge Guest, Capt. ffinney, Richd. Hill,	Esq'rs.	Jos, Pidgeon, James Logan.

The act for regulating of the Courts of Judicature, in this province, directing that there shall be a Court of Equity held in every County of this Government, Certain persons skilled in the Law having prepared Rules ffitt to be observed in the proceedings of these Courts, they were laid before the Govr and Council, to be Considered & approved or amended, as there should be found Cause.

And being all perused and fully Considered, 'tis Ordered, that the said Rules, as they are now past and approved of at this Board shall be duly observed, and putt in practice in all the Courts of Equity in this Government, untill further Order shall be given therein. Adjourned of Course.

At a Council Held at Philadia, 3d, 2 mo., 1705.

PRESENT:

JOHN EVANS, Esqr., Leiut Governor.

Edward Shippen,	Esq'rs.	Rich. Hill,
Wm. Clark,		Capt. Roche,
Thomas Story,		James Logan.
Griffith Owen,		

A Petition from John Henry Sproegle, and another Petition from his Brother Lodwick Christian Sproegle, were read, shewing That the said pettr. having been Invited by the propts. to Come into this province, have now resided therein for some years, behaving themselves peaceably, & as the law requires, and are willing so to remain, Therefore pray, that they may for their Greater Encouragement be Naturalized, Ordered that they be naturalized according to y^{e} act of assembly of this Governt. Ordered, That Thomas Revel and Jos. Growdon, or their attorneys, be summon'd to appear at this Board next Council day, upon the petition of the said Thos. Revel. Complaint being made to this Board by the Receiver generall, that the Collector appointed to levy the proportion of the £2000 granted to the propts., assessed and laid on the City of Philadelphia, had been so remissed, that he has not yett obliged those that are obstinate to Comply with the Law.—'Tis ordered, that the Sherif Philad., the said Collector in person, with sufficient assistance, doe on Some Certaine fix day before the next meeting of the Council, goe to the Houses of such persons as refused to pay, and there without fail make distress in pursuance of the Law, & in Case of opposition, that he prosecute the Guilty with the utmost rigour, and that he render an acct to this Board of his proceedings herein, next Council day, without fail. Adjourned of Course.

At a Council Held at Philadelphia, 1, 3 mo., 1705.

PRESENT:

JNO. EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Esq'rs.	Wm. Trent,
Griffith Owen,		Capt. Roche,
Richd. Hill,		James Logan.

The Govr proposed to the Board, that whereas, the assembly of the Lower Counties meeting in November Last, was dissolved, without doing any thing, and Expected to be Called again in this present month at farthest, wch because of the late rumours is more yn ordinarily necessary at this time, therefore, that writts should be forthwith Issued to the three Lower Counties, to Elect 6 members Each, (according to their own Late act,) on the 15th Instant, to meet at Newcastle the 24th, and that writts be dispatched down into y^{e} severall Counties, with all Expedition.

Ordered, That the Sherif of Philadelphia having failed to make report to this Board, upon the order of the 3d of Last month, doe appear at the next sitting, viz: the 8th Instant without fail, and render an account of the Execution of the said order.

At a Council Held at Philadelphia, 8th, 3 mo., 1705.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Griffith Owen,
Samll. ffinney,
Richd. Hill,
Esq'rs.
Wm. Trent,
George Roche,
Jos. Pidgeon,
James Logan.

Yesterday being the time to which the Assembly was adjourned in 9br last, they mett, and this morning Severall Lettr. arriveing by Burman, in answer to those sent the beginning of Last winter, the Govr Caused to be read to the Board a Letter from the Proptr. to himself, and Severall Paragraphs of the Propts. Letter also to the Secretary, relating to the past proceedings of the assembly, giving his approbation of the Govrs measures in refusing to Confirm the Bills proposed to him, (of which Copys were sent to England,) and directing him in all Cases to assert his just Right and to prosecute the turbulent, in which he also largely Complain'd of the treatmt he has met with.

A message from the Assembly (by 3 members) acquainted the Govr that the House was sitting and desired to know if he had any Commands for them.

The Govr answered that having but lately recd. his Letters, which would very much direct him in matters relating to the House, he was now Considering them, and to morrow at 4 in the afternoon should have an occasion to Speak to the whole House.

It was debated what measures should be taken upon the Letters of Remonstrance sent by Robert Barber, signed by David Lloyd in the name of the House, to the proptr. and it was resolved that all the proper methods should be taken to prove that fact, and the autheur prosecuted for the forgery.

Ordered also that Wm. Biles be prosecuted for his scandalous and seditious words against the Government.

Ordered also that the Journal of the Assembly be Inspected, and all minuets in any wise relating to the Letters of Remonstrance be Copied out.

And then adjourned till to morrow, Nine in the morning

No Council in the Morning.

At a Council held at Philadia., 10, 3 mo., 1705, P. M.

PRESENT:

The Honble JNO. EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Esq'rs.	Richd. Hill,
Griffith Owen,		Jos. Pidgeon,
Samll. ffinney,		James Logan.
Caleb Pusey,		

The Govr Caused to be read to the Board what he designed to speak to the assembly, desiring their advice, and it was approved.

Capt. ffinney and Caleb Pusey were sent in a message to the House to require their attendance upon the Govr forthwith, and returning they reported that the Assembly was risen, but that they had met with the speaker, who acquainted them that they were adjourned to ten in the morning, not being a full House this afternoon, and that then they would be ready to attend the Governr.

Ordered that notice be given to the two Indians from Conestogoe, as also to Peter Bezalion, to attend to morrow at 9 in the morning, to which time the Board adjourned.

At a Council Held at Philadelphia, 11th 3 mo., 1705.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Esq'rs.	Richd. Hill,
Griffith Owen,		Wm. Trent,
Caleb Pusey,		Joseph Pidgeon,
Samll. ffinney,		James Logan.
Jasper Yeats,		

A message from the House of Repts. to the Govr, Informing that they were mett and waited to know if the Govr had any thing to Lay before them.

The Govr ordered them to inform the House that he required their attendance Immediately.

Accordingly the Speaker and the whole House attending, the Govr spoke to them y^e following words, and at the Speakers Desire delivered y^e same in writting, Viz:

Gentlemen: Difficulties dayly arising from your proceedings before our last parting, & being necessarily called away to attend the Business of Govermt Elsewhere, I defferr'd your meeting for so Long a time that I might have the sentiments of the Proprietr in matters of such Importance as were laid before me, which is now very seasonably arrived.

The propr., Gentlemen, is far from agreeing with you in opinion in these matters; that he is greatly surprized to see, Instead of Suitable supplies for the Maintainance of Govermt and Defraying Publick

Charges for the Publick safety, Time only Lost (while his Constant Expences runs on) in Disputes upon heads wch he had fully settled before his Departure as Could on the best Precautions be thought convenient or Reasonable, Even at a time when he was leaving you in doubt whether it would be possible to divert the Bill then moving In Parliamt, for annexing all these Govermts to the Crown, which being now diverted and himself secure in the possession of his Rights so long as his Circumstances shall render the administration of it Practicable; He his the more astonished to find you for who's sake Chiefly and not is own, he has undergone his late fatigue & Expensive troubles in maintaining it, express no greater a sense of Gratitude than has hitherto appeared. The Propts. also further assures us that had these three Bills (of which Copies were sent home) been past into acts here, the they had Certainly been vacated by her Majesty, being look on by men of skill, to whom they have been shewn as very great absurdities.

But what I must not be silent in is, that he Highly resents that heinous Indignity and most scandalous treatmt he has met with in the Letters directed not only to himself, but to be shewn to some other persons disaffected to him in the name of the assembly and People of this province, of which I formerly demanded a Copy, but was denied it, under pretence (when it was too late) that it should be recalled. If that Lettr was the act of the People truly represented, He thinks such proceedings are sufficient to Cancel all obligations of care over them, but if done by particular persons only, and 'tis an Imposture in the name of the whole, he expects the Country will purge themselves, and take Care that due satisfaction be given him.

GENTLEMEN:

What I have now to lay before you is, That you have long Injoyed a happy state of Peace and Tranquility, without any such Charge or Oppression as is too Common to some other places of which, if you Expect the Continuance under the Proprietrs administration, you must resolve to take measures that will answer the End of Government, and recommend you to the Consideration of the ministry at home. England, our Generall mother, who will always think she as Reason to influence and Direct the affairs of all her dependent Dominions not only at all times, makes ample provision for the Support of the Regency, but all this Jncture is deeply Engaged in a most Expensive and Dangerous Warr, for maintaining the Ballance of Europe, While here for some years past, there as not been one penny of publick money raised, Either for the subsistence of the Govrmt, or to defray the Charges of so much as a message or Scout upon any important occasion, tho wee are so manifestly surrounded wth dangers from Enemies, both by sea and Land. How this will recommend us to our Superiors, or the tolerable opinion of any Considerate man, I need not, I suppose, spend time to make you further Sensible. But this I can assure you, that unless you Lay these things to heart & for your own sakes, if not for his, make a speedy and suitable Provision, the Proprietrs will withdraw his Care, and no Longer Contend with the many oppositions he has perpetually mett with, to his vast trouble and Charge, for Continuing to you the Privileges you have hitherto happily Enjoyed.

We are alarmed on all hands at this time, with the account of Privateers Intending to Visit our Coasts, and the Indians, Especially to the Southward, are Certainly affirmed to be in a Genrll. Commotion, and therefore it requires our Immediate Care to secure our own and neighbors, By Treaties, which as they always Carry a Certaine Charge with them, so they must be Considered. I have hitherto been very ready, and always shall while duly Incouraged, to do all for the Publicks safty that lies in my power; but without some necessary funds for it, 'tis Impossible for me to proceed. Trade likewise labors under great Inconveniences, as y^e merchts. frequently Complain, & Call for a Regulation by some wholesome Law, that after the prudent Examples of other Govrmts. might render it more advantageous to those of the place, a Care of which might not only answer this good and more Immediately aimed at, but likewise be made a Branch of such a proportionable Revenue as is necessary to all Governments; & this, with the other heads mentioned before, together with the Regulation of Courts of Judicature, I must seriously Recommend to you.

To sum up what I have to say I conjure you, Gentlemen, as you will answer it to God and the Country you represent, to Consider and seriously lay to heart your present Condition. You Contend and Raise Continual scruples about your Privileges, which have not been attempt'd to be violated, but seem to neglect what is truly so and of the Greatest Importance to you: Lett it not be hereafter told that what the more open Enemies of this Govmt. Could not hitherto Effect, You have been made Instruments in the Hands of Designing men to bring to pass of yorselves. The Proprietor who tis well Know has hitherto supported the Govmt. upon such Treatmt. as he has mett with is frequently sollicited to resign and throw up all without any further Care. But his tenderness to those in the place whom he knows to be still True and Honest, prevailes with him to give the People yet an Opportunity of Shewing what they will doe before all be Brought to a Closing Period; methods have been taking to provoke him to this that there might be the greater Shew of Blame for it when done, though it Could not be avoided. But assure yourselves he will be Justified by all Reasonable men for withdrawing the Exercise of his Care over those that being so often Invited to it would take so little of themselves. The Queen's most Gracious Majesty will doubtless be Indulgent to all her loving Subjects, but a People that Contributes nothing to support the Burthen of affairs at home will in vain Expect from the ministry Greater Privileges at such a Distance than those Enjoy more Immediately under her Care who pay's towards her Majesty's Service an Equal Share with all others. No Perticular Privileges can be hoped for or depended on here but what are Grounded on the Royall Charter to y^e^ Proprietr. and to obtain these successfully requires a more Powerfull Interest & stronger Intercession than any in the parts can pretend to make. Those who Pretend to Perswade you to the Contrary will be found to amuse you to no purpose, and your Eyes may be opened when it is to Late. You are therefore now to Consider your own Interest, which Chiefly lies at stake, while you have an opportunity let not any artifices prevail to make you forfeit it.

I have told you the only methods can be used to recommend you successfully to y^e^ Crown, Viz: a Suitable provision for the support of Government and safety of her Majestie's subjects; if you neglect to put them in practice, what Ever the Event may be, it will lie at yor own doors.

This I am Constrained as well for her Most Sacred Majesties Service, as in Duty to the Proprietr., to lay before you, and Expect a Suitable answer not in words only, but such Effects as becomes the Trust reposed in You.

The Speaker acquainted the Govr. that having lost some of their members there would be occasion of Writts for Electing of others in their Stead, and the Law prescribing no Certain Rull for giving notice, he thought that it was sufficient if any member of the County where they were wanting should inform the Govr. of it, & that the House desired to know at what time the Govr. would be pleased to make the writts returnable that they might adjourn themselves to the same time.

The Govr. answered that they now appeared to him a full House, & were Certainly sufficient to go on with businesse, therefore they must not think of delaying it, and they Departed.

Ordered that a message be sent to the House requiring a more Perticular acc't. of what members are wanting, and that the Speaker sign it under his hand.

Ordered That Richd. Hill and Wm. Trent, Carry the said message forthwith.

Ordered that Edward Shippen, Griffith Owen, Caleb Pusey, Jasper Yeats, & Richd. Hill, demand this afternoon of the Clark of the Assembly and Inspection of their Journall, and that they take a Copy from the first Original Draught of all minutes and Entries that in any wise relate to the address or Remonstrance to y^e^ Proprietr., signed by David Lloyd and sent to England by Robert Barber, and that the said Copy be Drawn Exactly according to the said first Originall. Adjourned till 4 in the afternoon.

POST MERIDIEM.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Griffith Owen, Caleb Pusey,	Esq'rs.	Richd. Hill, James Logan.

A message from the assembly by three members waiting on y^e^

Govr., by Order of the House, Informed him two of the representatives of the County of Bucks, viz: Richard Hough and Peter Worral, were dead, and therefore that house requested the Govr. to Issue his writts for Electing others to serve in their steads, and desired to be Informed on what day he would be pleased to make it Returnable.

The members where order'd to withdraw, and the said message being debated, it was ordered, that an answer should be sent in writing, which was done as follows.

The Govrs. answer to yᵉ Assemblie's Message, The 11th of the 3 mo., 1705. Post Meridiem.

To day being the first time the Govr. has had due notice of the Loss of Two members or Representatives for the County of Bucks, He will issue his writt without delay, and will order the Sherif, as 'tis usual in the Perliamt. of Engld. in like Cases, to return the writt forthwith when Executed, and that the members to be Chosen with all Convenient speed, repair to the service of the House. But if tis designed by this message, to know a Certaine day to which the House may adjourned, as was mentioned this morning at the Council Board, by yᵉ Speaker. The Govr. Informs the House, that he Conceives the matters recommended to them in his speech to be of such importance that they will not admitt of any Delay, and the House being now sufficiently full to goe on with any business if they are Inclinable to it, and the Govr. being also Obliged to be at New Castle, on the 23d of this month, He Expect the house will forthwith, without any further loss of time, apply themselves to the Consideration of what is laid before them, and will not Consent to an adjournment untill they have taken some due notice of the same.

The Govr. further requires, that such members of the Council as he appoints for that purpose have access to the Journal of the house, and that they may have Copies of such parts of it as are or shall be thought convenient by them to be taken.

Adjourned.

(12th.) An answer was delivered to the above & is No. ———.

No Council: Indians.

Manangy, the Indian Chief on Skuylkill, Came to wait on the Govr. in behalf of the Ganawense or Piscataway Indians, settled in this Province near the head of Potomock, being now reduced by sickness to a small number, and Desirous to quitt their present habitation, (where they settled about 5 years agoe,) with the proprietrs Consent, the Conestogoe Indians then becoming Guarantees of a Treaty of friendship made between them, and shewing a belt of Wampum, they had sent to the Skuylkill Indians to Engage their friendship and Consent, that they might Settle amongst them near Turpyhockin, Request of the Governeur that they may be permitted to settle in the said place, which if he pleased to agree to, they will come and wait on him themselves, with a suitable present.

The Govr. gave them a kind Invitation, by the said Menangy, to come and settle as near us as they should think fitt, Provide they would take Care and Live peaceably, & that the said Manangy, & yᵉ Indians of that place wth him would appear, & Engage they should behave themselves well and Dutyfull to this Government.

Two Indians from Conestogoe also waited on the Govr., Informing him that they had been alarmed by the People of Maryland, and were told that they had Desingn to Come and take or Cutt them off, upon account of an Injury done to some of that Province by some of the five nations, of which they were wholly Innocent, and therefore desired this Govmts. Protection, that as they had behaved themselves well and Peaceably, they might still Continue to live in quietness and unmolested.

The Govr. assured them, that if they were Clear of the violences done lately upon a family of the English, in Maryland, and would not Espouse the Cause of or Shelter any who should Committ any Injuries against the Queens Subjects, they should always Be Protected.

The 15th.

The four members of Assembly waited on the Govr. out of Council, and Del'd. the following address, in answer to his Speech, Viz:

To John Evans, Esq., Governor of Pennsilvania.

May it please the Governor:

The speech thou wert pleased to make unto yᵉ assembly on the tenth Instant, hath been Read In the House, and after Deliberated and mature Debate thereon, We humbly returne the answer following.

We are truely sorry that our Proprietary & this House should Disagree In opinion in the matters of our Proceedings in Assembly, and his being surprized is no little surprize unto us, Considering that to pursue our own Interest and to answer the Trust reposed in us, Our part is to maintain a Constant Respect and Due Regard of yᵉ Proprietary, both Honour and advantage, Where at the same time we Preserve the Rights and Privileges of the Queens subjects, the Freeholders of this Province which wee are of opinion ought not to be withstood, and we hope that a Right understanding in him and thy self, of our true meaning and due Respects towards both, and our desire of advancing the safety of the People under your Government, will Create better opinions of our Intentions & actions, Which Consideration duely taken up by all Concerned, will Lead us to Concord, and a friendly Concurrence in doing what shall Conduce to yᵉ Honour of the Governour, and happiness of the People, and that to Effect this according to our Earnest Desire, our misunderstandings of Explanations, Coments and Constructions of Laws and Charters on both sides, in short time will be removed by fair Discussion. And that in the meantime, Charitable thoughts and Love may be Respectively Embraced.

We Should Gladly know what three Bills those were of which Copies were sent home and Looked by man of Skill as Great absurdities, and what the Proprietarys Objections are unto them. If those three Bills be the same we Imageine them to be, Wee are of the mind The Interfering of the Proprietarys Comission Granted unto thee with thee Charters Granted to the freeholders, Occasioned such Clause as seemed absurdities to m n of Skill who might not be well aprized of our Charter of Privileges, and if on of the Three be y^t Concerning attestations, we shall be almost astonished that it wanted the Proprts. approbation, and his utmost Endeavours to procure the Royall allowance.

As to y^e Representation or Letters sent to the Proprietary by orders in the name of the former assembly which he takes, it seems as an Indignity, & Resents it accordingly. It not having been done by this House, butt being the act (or in the name) of the former. As we are not Intituled to the affront, (If any be,) neigther are we Concerned in answr. it. Our part is to Lamt., (as we Really do.) that there should be true Occasion for such Representation, or if none, that it should be offered our Proprietary, whom We both Love & Honour. And Therefore, We hope his Obligations of Care over us and the People of this Province, by no such means shall be Cancelled.

As We must acknowledge the Peace We have a Long time Enjoyed Since we here Se tled, we must also acknowledge, with Great Humility, that it is Chiefly Owing to divine Providence; Nevertheless We are willing (as In some measures we have done) to Contribute for support of Government by all such due means as are fitt to be Taken, according to our Circumstances & Religious Perswasions, and being Inclined to take Care of Trade, We are willing to Receive what the merchants shall think fitt to Lay before us, and to take due Consideration of it.

And as to the Regulation of Courts, it hath been under Consideration of this House, and a Bill almost ready to be present for the Govemts. assent.

And to Conclude, as we have, under the Proprieters administration hitherto Enjoyed great Tranquility, We are truely Desirous of a Continuation of the same administration, and shall be willing to pay unto thee, his Lieut., Due Respect in thy Great Station, not only by words, butt such Effective acts and actions as shall Demonstrate unto the world, & our Loyalty to y^e Queen, Honour to the Proprietary, & true Love to thyself.

Signed in the behalf of the House,

per DAVID LLOYD, Speaker.

The 16th of 3 mo.

A message from y^e House came to the Govr., desiring to know what accot. he had received of the Laws already sent home, and whether he would be pleased to Proceed upon the Bills laid before him y^e Last sessions, to which the following was drawn up and sent by Wm. Trent and Richard Hill, who were sent for for that purpose.

The Govrs. Message to the assembly, 16th May, 1705, As to the Laws sent home in the year 1701, (or soon after) the Governr. can olny Inform The Proprietr. has advised That they long lay before y^e^ attorney Generll., for want of a Large fee to Obtain his report to the Lords of Trade, that the Proprit. having already, since his Last arrival, Expended above £2000 in London, where absent from his family, he has spent most of his time in attending y^e^ affairs of this Govermt., found and still finds it an unsupportable hardship to advance the Necessary summs to Carry business forward, But that at Length notwithstanding they are Reported.

As to the Bills that were Lying before him the Last sessions, The Governr. is much Discouraged from proceeding any further, or spending more time, Considering how much has already been Lost on one of them to very Little purpose, he believes that the obligation between the Proprietr. and the People to be Equal on both sides; that at the same time they desire a perpetual Law to secure them Effectually in all things they can crave Either in Liberty or Property, they ought to take the same Care to make the Proprietr. as easy in his affairs. That tedious Bill of Property is fitted so Intirely for the Peoples Interest, with not only no Regard to the Propr., (whatever is pretended.) but so manifestly to his Injury, that it seems strange how reasonable men Could, without some Confusion offer it, and not think at the same time of an Equivalent on the other side, which ought always to arise in the House and not from the Governr. This Equivalent, the Govr. is of opinion, ought to be a settled Revenue for the support of Governmt. and Defraying all Publick Charges, by such a provision as his made in all other Trading English Colonies, Where y^e^ Yearly Emolumts. of the Govmt. are Generally Sufficient to support it. Whereas, there is nothing here but to y^e^ Scandal of the place, all is done at y^e^ Proprietrs. Charge, Nor can the Govr. believe that such a Provision is any favour or Bounty to the Proprietr. all he craves is that would support your selves. Now you are more able to doe it yn He who as to Long bore the Charge, and then you will not want his favour and Protection to the Utmost.

What as hitherto been given to the Proprietr. has been very poorly paid, and even some of the Psnt. House have Contemptuously & obstinately opposed y^e^ Collecting of it, and yet this was for the time past only since, which there are now above four Years Elapsed without any further provision, tho' y^e^ publick Charge has Constantly run on.

The Govr. therefore letts the House know, that if they shall think fitt to take into Consideration such a settlement as is before mentioned, that the Country may bear its own Charges, and show such a Hearty Inclination as may induce him to believe they are in Earnest, he will at the same time be ready to Confirm all things to the People that Can be thought In any wise due to them in Equity or Justice. Always having an Equal Regard to the Proprietrs. just Interest.

At a Council held at Philadia., 22d, 3 mo., 1705.

PRESENT:

Ye Honble JOHN EVANS, Esqr., Lieut. Govr.

Griffith Owen,
Samll. ffinney,
Caleb Pusey,
Esq'rs.
Ge. Roche,
Jos. Pidgeon,
James Logan.

Capt. ffinney Complained to the Board that the Bridge of ffranc-ford, on the Queens road, were Intirely out of order and repair, and neglected by those who ought to take Care of them, & therefore crave an Order from this Board, to oblige the persons Concerned to discharge there duty about them. But upon Inquiry, it appeared that the Care of repairing all roads whatsome Ever, and all Bridges. unless as stands on the marches of Counties belong solely to the Respective County Courts, to wch therefore this business is referred.

At a Council Held at Philadia., ye 28 of May, 1705.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Griffith Owen,
Samuell ffinney,
Caleb Pusey,
Esq'rs.
Jasper Yeates,
Wm. Trent,
Jos. Pidgeon,
James Logan.

An address being yesterday presented to the Govr. from the Assembly, it was read to the Board in these words. Viz:

To John Evans, Esqr., Lieutent. Governr. of the Province of Pensilvania, &c.

The address of ye ffreemen of the said Province in Assembly mett, the 21st day of the month, Called May, 1705.

In all humble manner sheweth:

That thy writting Message or answer to ye Assembly, sent to this House ye Sixteenth Instant, being duly weighed and Considered by us, Wee are sorry to hear that the Laws should be so Long before the attorney Generall, for want of a fee to obtain his report to the Lords of Trade since ye Proprietr. when Last in this Countrey was pleased to undertake in hand as agent for the People, to obtain ye Royall sanction to our Laws, and make good Terms for us if he was forced to surrender the Governmt., and if he had found that the money he had & was to have, by the two thousand Pound act had not been sufficient to Defray the Charges of Negotiation in yr Behalf, Wee doubt not but the former assembly (had been acquainted therewith) would have took Effectual Care to supply such defects, and if this assembly where favourd with an account of the Perticular summs that the Proprietary hath Disbursed in getting our Laws past or in diverting the Bill formerly moved in Parliament for annexing this Government to the Crown. We assure the Governour that wee would Cheerfully Contribute thereunto, so fare as in honour and Duty we are oblige to doe.

Thou art pleased to signify that our Laws are at Length reported, wee now desire (as by our message sent the on the ffifteenth Instant wee did request,) To know which of them are approved, and which of them are Rejected, That Wee may not spend our time here either to make Such Laws as wee find will not be accepted, or to Enacte again what has been approved of at Home.

We are heartily sorry that yᵉ Proprietr. should be obliged to spend so much time and money in attending the affairs of this Governmt. But hope it ought not to be wholly placed to our account.

Wee ffind that yᵉ Last Assembly were as we now are Ready & willing so farr as wee Can to Ease yᵉ Proprietary of some part of the necessary Charge for transmitting such Laws as may be passed here and for presenting Them to the Queen according as yᵉ Proprietr. is obliged by his Patent.

We heartily agree with thee yᵗ yᵉ Obligation between yᵉ Proprietr. and people are Equall, and we hope it will not be yᵉ Power of any to dissolve those Ties wch we Look upon to be sacred, as well as Reciprocall, and we doubt not but upon an Impartiall, Vain and Consideration of what The People of this Province have been doing, are willing to do for Support of Governmt., will prove a sufficient Equivalency if not Surmount all that the Proprietary hath hitherto done for yᵉ Province, Especially if he has not Procured yᵉ Royall approbation to our Laws, or Such of them as may be of Service to the People.

And for the better clearing of this Point, wee Crave Leave to Inform yᵉ Govr. that yᵉ first Settlement of this Province under the Proprietr. was Chiefly by a People of Good Estates and Creditt, who where real adventurers with him in that great and Commendable design, and became purchasers of their Respective Shares of the Countrey for money, and wee find upon Communication had between him and them Concerning the Extraordinary Charge which he should be at in the administration of the Governmt. They agreed to pay him a Quit rent of twelve pence for Every hundred acres of their purchase Lands, Besides the Proprietor had so modelled the Governmt. to consist of himself or his Deputy and a Provincial Council, who by all the former Charters and Laws of this Province were obliged to attend and were to be paid so much p Day for their attendance in Council, Whose Sallarys have been, or ought to be paid by the Country, & not only so but we Understand the Proprietr. Expects Thomas Lloyds Sallary for about nine years Service, as his Deputy or Lieutent., much be also paid by the Countrey, which wee Look upon very hard, Considering that the Proprietrs. stay then in England, as appeared by his own Letters, was for the Service of yᵗ nation, and the Disservice of this Province, By the loss of many Thousand pounds to himself, and many hundred familys to this Province, and what adds to our

Trouble is, that the Business about which the Proprietr. whent home in the year 1684, being the Decision of the Bonds or Division Lines between him and the Lord Baltimore is not yett Settled, which proves a very great Discouragement to this Province, as well as to the Lower Counties. May it Please the Governr., We do not mention these things nor Insist upon yᵉ Charge that the People have been at or that the Rents or other Charges that yᵉ are obliged to pay, Should Conclude the Proprietary or his Deputy to Expect no other supplys for support of Governmt., But to take of that Scandalous Charge of Ingratitude that is too Industriously Endeavoured to be cast upon us, & the good People we Represent.

Also the Bill of Property wee are humbly of Opinion if thou think fitt to pass it, that ye Proprietary will be better Secured in some Branches of his Property than he now is, and since thou Concedes it is fitted for the Peoples Interest, wee cannot Conclude That it is farr wide of the Propřietrs. True Interest.

However if it wants any thing that may be for the security of his Right, wee shall be glad to Embrace such a proposal of amendment, which we Conceive must arise from that Board, and to the tediousness of the Bills that Various Occurrences and alterations of officers, Neglects of Surveyors and others Concerned in Granting & managing the Proprietrs. Lands, as well as some defects in the Constitution of the Governmt. in so long a Tract of time, will apologize for the Length of The draught; Nevertheless we are both willing and Desirous that the same may be Contracted in what we propose, and aded to in what may be for the Proprietary's Service, So as the Peoples Right in all Respects be saved. In the meantime wee desire that That as well as such other Bills which are or shall be sent for thy Concurrence, may receive thy Candid Construction, and not be Rejected without thy particular reasons and objections, which thou hast not afforded us upon this Bill, tho' it has been before thee about Eight months.

As to what has been heretofore given the Proprietr. Wee do not find that any member of this house Hath Contemptuously and obstinately opposed the Collecting of it, Though some have not thought fitt to pay it, Because they were putt of and Delayed in the Confirmation of their Lands which they look upon to be part of the Consideration for which that Tax was Granted, what other reasons may be offered for their refusall we referr to their answer, when they are by due Course of Law Called thereunto. We have taken into our Consideration and Resolved to raise Twelve hundred pounds besides an Impost upon wines and Cyder, &c., for the support of Governmt. and for Defraying the Publick Charges thereof, and wee Intend to gett the Bill ready, which we hope will sufficiently prove we are in Earnest, and without any other Reserve but thy Concurrence to Redress yᵉ agrievances of the People, we Represent and Confirm their and us in all things which we shall think agreeable to The Proprietr's promises and Ingagemts. to us according to

Equity and Justice, which we know cannot be without due Regard to the Proprietary's Just Interest.

Signed by Order of the House per David Lloyd.

The sherif of the County of Philadelphia being yesterday Order'd to find some suitable Person forthwith to Collect the arrears of the Proprietrs. Tax of £2000 in the County of Philadelphia, he know presents Jon. Joyce for that purpose, who is ordered forthwith to levy and Collect the same.

Ord'd. as follows:

Whereas by an act made and past at Newcastle, In the Year 1700 and Confirmed at Philadelphia in the following year, there was Granted to y^e Proprietr. of This Province the sum of £2000 of which y^e Town & County of Philadelphia was to pay £1023 which said sum of £1023 was in pursuance of the Directions for that Purpose in the said act at Large, Expressed, assessed and rated upon the Inhabitants of the said Town and County, and Collectors were accordingly appointed to gather and receive the same; and whereas the said Collectors have been so remiss in the discharge of their Duty that great parts of the Severall rates assess'd upon the Inhabitants of the said County is yett unpaid, for remedy whereof and to the End that the said rates be effectually levied, 'tis Ordered in pursuance of the said Act in Case of Neglect in the Collectors, that Jon. Joyce of Philadia., Sadler, shall forthwith Levy and Collect all the said arrears due upon the sd. act from all and Every the Inhabitants in the said County, dwelling to the Northward of the City Philadelphia, Either in money or good merchantable wheat, to be Carried into some of the nearest mills or to the Town of Philadelphia, at the price Current, or in Case of Refusall or neglect in any of the said Inhabitants to pay as required, that then by virtue of the said act he proceed without Delay to levy the same by Distress, and make report from time to time to this Board of his proceedings herein.

A message from the assembly requested the Governrs. answer to their Verball message deliver'd to himself yesterday, Desiring that upon the accot. of his Intended Journey to Newcastle, they might adjourn to the 11th of the next month, to which the Governr. agreed, & the Council adjourned to Newcastle.

See the Newcastle Minutes by themselves, But to Be Inserted here when Transcrib'd.

At a Council held at Philadia., 19th 4 mo., 1705.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Griffith Owen,
Wm. Rodeny,
Richd. Hill,
Esq'rs.

Wm. Trent,
George Roche,
James Logan, Secry.

The assemblies address dated y^e 21st of last month, deliv'd to the

Governr. the 22d and read the 23d was again read and Considered, and Order'd that upon the Debates & Conclusions now made, an answer be drawn up from the Governr. to the assembly, to be presented to ye Board to morrow morning, to which time the Council adjourned.

At a Council held at Philadia., 20th 4 mo., 1705.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Griffith Owen,
Samll. ffinney, Esq'rs.
Caleb Pusey,
Jasper Yeats,

Wm. Rodeny,
Richd. Hill,
Jos. Pidgeon, &
James Logan, Secry.

The answer ordered yesterday to be prepared against this sitting was read, & severall amendmts. being made, it was ordered in these words.

From the Governeur to the Assembly, June 20th 1705.

GENTLEMEN: Having Considered your last address, I find many things alledged that in Justice to the Proprietr. and the publick would require the sharpest animadversions.

They seem to proceed from a spirit so intirely Disaffected to the Proprietr. and his just Interest, that to Enter upon a full Examination of them would necessarily draw to a very high Resentmt., wch I am by all means desirous to avoid, that business may not be retarded, I shall but just mention them to lett you see I am not unsensible of their bitterness, & observe that your Diminishing the founder and father of ye Countrey Into an Agent for it, Your Charging him with £2000 for the Expence of That agency which is so well known to have been granted on another Bottom; Your laying the Burthen of Transmiting the Lawes home upon the Proprietr. as an obligation and offering to Ease him only some part of the necessary Charge as a favour, when the Laws being for ye Conntreys Service, only the whole in Justice ought to Ley at their Door; Your lessening his Tedious and expensive Endeavours to serve and support this Countrey by the most Unequal Comparison; Your groundless and Injurious assertion of the first agreemt. to pay Quitt rents; Your now mentioning and Charging him with Thomas Loyds Expences, and Taxing him for his Stay in England to serve the Publick Interest of your own friends; and Lastly ye Countenancing the refractory in their disobedience to a Law already past for Granting the Proprietr. £2000 at the same time that Charge him with the Receipt of it, are Passages that amaze and would Exceed the Belief of any Reasonable man that as not seen them Come from you; they look to much Like marks of an Inclination only to perplex and Divert Business; But being still of opinion that these measures are not the result of the Real sentiments of the good People of Pensilvania I shall take no further notice of them, but waving the whole shall proceed if you will leave any room for it to take all Convenient measures for advancing the Publick Good and Providing for its safety, notwithstanding so unjust and undeserved a Treatment.

What you chiefly desire in the address relates to y^e^ Laws sent home, and the Bill of Property; of the first I have no account what are approved by the attorney Genll., or wht are otherwise, the Proprietry was in too much trouble upon what he mette with from hence, to be at that time particular, besides that the attorney's Report is no Determination.

For the Bill of Property, perceiving that y^e^ Proprietr. Himself, while here, who was the principal party, and the Representatives who were the other, had after mature Consideration and Long Debates, agreed and settled all things relating to the peoples rights and Estates,and fully Secured them in the their Enjoyment of them, by an act or Law now in being, I could not acquit myself of presumption, if instead of applying myself to matters of Governmt., I should take upon me to add or alter what he had done in matters Relatting solely to his own Estate, of which he alone(as they concerning himself) is the proper Judge, Yet that I may not be wanting in any thing Consistent with the just Discharge of my Trust, that may Render the people more Easy, I shall Concurr with you in Strengthening & Confirming what the Proprietr. assented to in that act. You at the same time shewing the same Regard to his affairs. What other things are in the Bill, which affect not y^e^ Proprietr. so immediately, I shall be willing to pass in a proper act by themselves, and if any thing more be wanting, that does Concern the Proprietrs. Estate, and his not fully Exprest in the act of Property already made, it may be past in another Act, with a proviso, that it shall not be in force, unless the Proprietr. himself shall assent to it. But upon a Just Inquiry, I doubt not but what is before proposed, will be found Sufficient to render all that are Concerned very Secure and Easy, if the Peacable Enjoyment of the Estates be the only thing desired.

As for the only reserve you make upon your resolution to provide for the Support of y^e^ Publick, You shall always find me as ready as you possibly Can be, to Concur with you in all things that I shall think Consistent with my honour, and agreeble to a just Discharge of the Trust Reposed in me.

The following Message Being also Drawn up, was read, And approved of, these words, Viz:

From the Governr. to the House of Representatives for the Province of Pensilvania, June 20th, 1705.

GENTLEMEN:

I must further acquaint you that Wm. Biles, a member of y^e^ House, having used the most scandelous and Seditious Expressions against my self, importing a Designe to oppose the Queens, and the Proprietr. Authority Duly invested in me, and thereby Subverted the Peace and Quiet of the Governmt., for wch he has been Prosecuted by due Course of Law, as by the Records of the County Courts of Philad. will appr. I expect you will forthwith purge Yourselves of the Contagion of the said pernicious member, and shew your just Resentments by Expelling him from the House, and that you will send me your Result upon it without Delay.

And Samll. ffinney, Caleb Pusey and Richd. Hill were ordered to Carry the same and Deliver them both to the House in writing, at 3 of ye Clock in the afternoon, & then the Council adjourn'd.

At a Council held at Philadl., 23d of June, 1705.

PRESENT:

The Honble JNO. EVANS, Esqr,. Lieut. Govr.

Edward Shippen, Griffith Owen, Caleb Pusey, John Blunston, Wm. Rodeney, Jasper Yeates,	Esq'rs.	Richd. Hill, Wm. Trent, George Roche, Jos. Pidgeon, James Logan.

The Govr. laid before the Board an address wch he had Recd. from the assembly, & was Read in these words.

To John Evans, Esq. Lieut. Governr. of the Province of Pensilvania, &c.

The Humble address of the House of Representatives of the Said Province, in answer to the Governrs. message on the 20th of this Instant, Relating to Wm Biles, one of the members of this house.

May it Please the Governour:

Upon Reading of this message, as well as by the Information Wee have had from ye Records and Proceedings of ye Countey Court of Philadelphia, Wee find that ye said Wm. Biles hath been Prosecuted at thy suit in that Court for Sheaping some scandalous Words against thee. But whether he spoke such words or no, We do not Conceive Comes properly under our Examination In Regard they are not alledged to be spoken in this house. But wherever such words were spoken, or whoever gives themselves the Latitude so to talk, Wee shall in no wise Justify, Nevertheless Wee begg leave to acquaint that ye manner of ye said proceedings against William Biles has been very offencive to this house, and that the sherif of ye said County of Philad., Who served him with a writt of summons in that action the very day he was attending the service of this assembly, as Committed a Breach of Privilege against this house, and that the Justices of the sd County Court of Philad., to witt: John Guest, Samuell ffinney, Josp. Pidgeon and Edward ffarmer, Who refused to allow him his Previledges, as he was a member of this assembly, which he pleaded only in abatement of the said writt, But they Ruled him to plead over and Refused him an Imparlance to the day they allowed all others that Craved the Like, Have also Committed a manifest Breach of Privilege against this house.

And wee further acquaint thee that it is against the Liberties and Privileges of this house, that any member Duly Elected to serve in Assembly be summon'd or Drawn to appear at any of the Courts of this Province Inferior to the said Assembly, before any Secular Judges or Justices upon any pleas of Complaints during the Session of assembly, Without leave be given by this house for so doing, Unless it be for Treason, ffelony or a breach of the Peace.

These and such like Liberties and Privileges Belongs to this house as proper Incidents to the Power of Legislation, granted to the ffreemen of this Province under the great seal of England, Without which the Rights of the subject and the Dignity of this house Cannot be upheld.

As we are tender of the Privileges of this House, so wee shall take all opportunitys to pay our Regards to thy honour and true Interest, and shew our Just Resentmts. of all Indignitys y^{t} shall be offered thee in any thing that may properly Fall under our Concurrance.

But We do not find the Grounds of this Message (Especially Considering y^{e} methods that have been taken) to be sufficient to Induce us to Expell the said William Biles from this house; Nevertheless Wee are become suppliants on his behalf, that although he has been so unhappy to ffall under thy displeasure, Yet be pleased to give him an opportunity to wait upon thee, to Vindicate himself, so farr as he Can in the matter laid to his Charge & wherein thou finds him faulty. Wee desire thou wilt accept of his submission, As we unanimously direct him to make for what he has done amiss, Hoping that that will answer then of thy suit, rather than the Damage thou may be like to recover against him.

DAVID LLOYD, Speaker.

Which address being read and the Rudeness as well as absurdity of its Contents Considered, It was the unanimous opinion of the Board that it would be to no purpose to spend any Longer time in Conferring with the present house, since there appeared no manner of Disposition in a majority of them to doe any Business, and therefore it would be most advisable to End all further Debates by Dismissing of them, and to wait till the Country might have an opportunity of a new Choice, wch may be Reasonably hoped may more Effectually Consider the End for which an assembly is Chosen, and accordingly the Govr. sent to require the attendance of the Speaker with the whole house without Delay.

The members of Council sent on y^{e} said message returning, Reported that they had Deliv'd. their message according to Order, and that the Speaker told them In answer, that he would Lay it before the House.

The assembly according to Order Came, and the Speaker and whole House being admitted into y^e Council Chamber, the Governeur spoke to them as follows, Viz:

Gentlemen: I Received Such an answer to my last message in which I demanded that you should Shew your Just Resentmts. upon the abuses i had reced. from one of yr members, that in the time I have had it by me, I can assure you I can scarce come to a Resolution in my self what notion to Entertain of it.

I told you that your Last address alledged many things wch I summ'd up to you, that would Require the sharpest animadversions and lead to very high Resentmts. but I was willing to wave them all through a desire to Carry on y^e Business of the Publick, that this might by no means be retarded, what Ever Treatment I should mett with.

And what I proposed to you in my message relating to that member, I took to be one of the best opportunity's I could give you of proving yourselves well affected to the Present settled Governmt., and I did not Doubt but while you Desired that any should believe you Disposed to study peace and Live in Obedience to the Queens and Proprietr. authority, you would Readily lay hold on the occasion to Declare your abhorrence of Every thing that tended to so pernicious a Consequence, and that you would instantly purge your Selves from a Contagion by driving him from among you.

But instead of this you Espouse his Cause and at the same time tell me what is Extreamly absurd; You say that as the words are not alledged to have been spoken in the house, you doe not Conceive they ffall under your examination, and Declare you will show your just Resentmts. of all Indignities that shall be offered me in any thing that may properly fall under your Conusance. wch Implies upon your passing by this that nothing spoke out of the house falls under your notice.

And again you acquaint me that it is against the Liberties and Privileges of the house that any member duly elected be drawn to appear at any Inferior Court of the Province, if therefore he must neighther answer in assembly nor out of it, a member once Chosen as Liberty to doe and speak what he pleases out of the house and is not accountable for it, he is Lawless and without Bounds, and may sett up his own will & pleasure for the only rule of his Conduct, no abuses, no manaces agst. the Governmt. are even sufficient to have a member expelled, for you Expressly tell me that you doe not find the Grounds of this message, wch is that a members threatening to kick out a Govr. duly invested with all legal authority derived from the Crown to be sufficient to induce you to Expell him the house.

I can scarce perswade my self, Gentlemen, but that those who lead you on to those absurdities, have really plotted to Expose you as a people, to the Contempt and redicule of all that shall know you, or hear of your Proceedings, for can your Enemies wish that you would betray Yourselves to a greater degree, than that while you Declare Even selft defence to be agst. your Christian Principles, yet a noted member shall avow his Intention to Oppose, Subvert, and drive out a regular authority, and the Representatives of yᵉ People stand by and support him in it, & this under pretence of Priviledges; that you can with no more Justice Claim than you Can act, what that member threatned, for in first Place, in England there are no such Priviledges known as you pretend to; & 2dly, if there were yet none in Amia. has such an inherent Right to them.

But this I shall leave, and now must acquaint you, that as the latter end of the Second annual assembly, Since my arrival, draws nigh, and yett not one act is past, or any thing done for the support of the Publick, and you desireing, because of the season to be adjourn'd, Considering how our time, Especially this last year, as been spent in Scarce any thing But messages and answers, as if your whole Business lay in Shewing your skill to draw them; I have very Little of seeing any thing done for the Publick Good while yᵉ Present temper holds; and therefore, in Expectation that the next time I meet the Country, I shall find the Representatives better disposed, unless they are resolved to draw on their heads that Change wch Some, under much different pretences, and wth another so Eagerly Contend for and Endeavour, and knowing it Inconsistent with my Honour to advise wth a person, or his abettors, who have offered me such Indignities, I shall for this time dismiss you till you hear further from me, & you are hereby Dismissed accordingly.

[This Speech is taken from a draught writt before the Govr. deld. it, wch tho' he did not in yᵉ same express words yett he spoke the substance of the whole.]

A Return of a Survey of a Road Laid out from Wm. Powels ferry, on Skuylkill, to yᵉ principal part of yᵉ Goshen, by virtue of an Order of Council of This province, dated yᵉ 16 of 9br., 1703, Signed by all the 6 persons Impowered to Lay out the same, was presented to the Board, with a Request that the said return may be Confirmed, and an order issued to Cutt & Clear it for service, wch was Granted, and an Order issued as follows, Viz:

Whereas, at a Council held at Philadelphia, the 16th of 9br., 1703, upon a Petit. from Humphrey Ellis, Danl. Lewis, and 58 other subscribers, for a Road to be Laid out from the Township of Goshen to Philadia., that Samll. Richardson, David Lloyd, Rowland Ellis, Wm. Howels, Wm. Jenkins and Richd. Thomas, Inhabitants of the County of Philadelphia, should lay out and Cause to be surveyed, one direct Road fifty foot in Breadth, as Convenient in all respects as might be, Leading from Wm. Powels ferry, on Skuylkill, to the principal part of the Township of Goshen, passing by Haverford meeting house, and be thence Continued in a direct Course to the upper settlement, on Brandywine, and should return the same to y^e Council Board, with all its Courses, in Order to a Confirmation. In pursuance of which Order the said persons Caused to be surveyed a Road as thereby directed, and have returned it under their own hands and seals to the Board, with all its Courses, which being approved of, 'tis forthwith ordered, That the said Road, as laid out in pursuance of the said Order, be forthwith Cutt & Cleared, and that the same shall be a free and lawfull Road or highway, and used as such for the future by all the Queens subjects, as they shall have Occasion, without any Lett or molestation from any person whatsoever.

Kneeghnyaskoate, Brother to Indian Harry of Conestogoe, being bound from this Province Last spring to the Countrey of the Onondagoes, to visit several of his Relations there, was desired by the Govern.r. to Carry a small Parcell of wampum for his Credential, and in his name to Inquire particularly into the grounds of the Report that have been Current in those parts, that those of the five nations were offend'd with the Indians inhabiting on Delaware, Skuylkill & Sasquehannah, & designed to Come down in a hostile manner, And the said Indian Returning hither a few days agoe with a present, as he said sent from the Chief of the Onondages, the Govr. Ordered him to give an Account of what he knew to the Board.

And accordingly he presented to the Govr. a parcell of Skins and furrs in the name of the Chiefs of y^e Onondagoes as a Token of the ffriendship between them & us, & assured Us they had no hostile Designs against us or any of our Indians, but were at peace with all the English and the Indians, Residing amongst them, but that they were apprehensive from some things that had passed between them and the french Concerning some of their Youths, that y^e french Decoy'd from them they should have a Rupture & Shortly come to warr with them.

And the Govr. Receiving the Present, which according to the present valueation amounts to £7 13 3, and Thanking the said Indian for his Service, Returned him in Sundries Goods to y^e value of £10 14 10 to be Carry'd back to y^e same Chiefs that sent the other. And adjourned y^e Council to Sine die.

At a Council Held at Philadelphia, y^e 23d of 6 mo., (Augst.) 1705.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, John Guest, Samuell Carpenter, Thomas Story, Griffith Owen, Caleb Pusey,	Esq'rs.	Wm. Trent, Richd. Hill, George Roche, Josephe Pidgeon, James Logan, Secry.

An Instrumt. or writting Called an act for the Better Ordering and

Establishmt. of y° night watches within y^e City of Philadia. & precincts thereof, being yesterday openly published in the markett place by the Mayor, Aldermen & Common Council of Philadia. was read & recommended to the Consideration of the Board by the Governr, as well upon Accot. of the whole frame of the act as upon its Clashing with the Governrs. Proclamation, dated y^e 18th of July, 1704, for the Encouraging of the Militia & Exempting those that inlist in it from the service of the wards, and some time being spent in debateing it, It was Resolved that the mayor & Recorder should be sent for to Explaine what is intended by the said Ordinance as far as it Interferes with the said proclamation, and that they attend this Board to morrow, between 10 & 11 in the morning, to which time they adjourn'd.

At a Council held at Philadelphia, y^e 24th of August, 1705.

PRESENT:

The Lieut. Governr. & Same members as yesterday. The Mayor & Recorder of the City appearing according to orders, the Governr., speaking to them said, That two days agoe, he perceived y^e Corporation had published an ordinance for y^e Estab'ishmt. of Night watches, in wch all persons without Exception were required to watch, wch directly interferes wth and opposes his Proclamation for exempting the militia from those services. That the mayor had severall times, as well as the Recorder, declared their satisfaction & acquiesied in y^e Govr. said Proclamation, wch now rendered it y^e more surprizing that they should now attempt the Publication of such an Ordinance, that he had sent for them to Explain their meaning and Intention in it. The Mayor assured the Govr. that as they had hitherto shewn all due respect to the Govrs. Proclamat. and never once attempted to Interfere with it, so now their Intentions were still the same, and they had no design of Clashing upon any Accot. That as they never had Inclosed any of the militia for not watching, so they should Continue y^e same regard, but that they thought they Could not Conveniently insert in their ordinance any Exception of the militia, but as there was room left in y^e act for all reasonable excuses, so that of the Governr. Proclamation might be allowed as such, Which apology y^e Govr. accepted of & they departed. It was ordered nevertheless, that another Proclamation should be forthwith Issued to Confirm the former, which was done Accordingly.

Adjourned sine die.

At a Council held at Philadelphia, 8bre. 4, 8th, 1705.

PRESENT:

The honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Thomas Story, Richard Hill, Wm Trent,	Esq'rs.	George Roch, Josp. Pidgeon. Thomas Grey, Clerk.

Mr. Peter Evans, pursuant to the Last minute of Council, appeared with a Petition, Complaining of an undue Election of Benjamin Wright, for Sheriffe of Philadia., wch he presented to this Board, together with severall papers Subscribed by Sundry inhabitants of the County and City of Philadia., in favour of his the said Peter Evans Election, all which were Read at the Table. Also, severall persons were Examined Viva Voce, as well in behalf of y^e said Benjamin Wright as of the said Peter Evans, the said Benjamin being present, and at y^e same time giving into the Board, likewise severall papers subscribed by Several persons, in favour of his y^e said Benjamins due Election, after all which papers had been Ready and persons Examined, all were ordered to withward, which done, the Board took into Consideration the subject matter of Mr. Evans Complaint, and having duely weighed what had been alleadged on Either side, gave their opinion in favour of Mr. Wright, who was called in wth Mr. Evans, to whom The Govr. Declared it was both his own and the Councils Judgment, that Benjamin Wright was one of the persons fairley Elected by the People. Adjourned. Two hours after y^e adjournment that same night, the Governr. sent for Mr. Wright and John Budd, and told Mr. Wright that he Constituted and appoint'd him Sherriff of Philadia., and that the Commission was ready.

At a Council held at Philadia., the 15th October, 1705.

PRESENT:

The Honble the Lieutent. Govr.

Thomas Story, Samuell ffinney, Wm. Trent,	Esq'rs.	George Roche, Joseph Pidgeon, T. Grey, Clark.

The Council agreed to severall heads upon wch the Govr. was to speak to the assembly, and adjourned till nine next morning.

A message from the assembly, that the House was full and had Choose a Speaker, desired to know his Commands, and when the House should wait upon him, and the Sheriffs Return of Repres. for the Severall Counties In this Province, wch was Deliver'd to them.

At a Council held at Philadia., the 16th of 8bre., 1705.

PRESENT:

The Lieut. Govr.

John Blunstone, Griffith Owen, Tho. Story,	Esq'rs.	Wm. Trent, Joseph Pidgeon, T. Grey, Clark.

A message from the House, by Isaac Taylor and John Swift, delivering the Returns, and Desireing to know his honours Pleasure when the assembly should wait on him, who told them they should be acquainted with it in less than an hour, And accordingly, Dr. Owen and Mr. Pidgeon were ordered to acquaint the house the Govr. Expected them.

Mr. Growdon, (the Speaker,) wth y^e^ house, attended the Govr. in Council, and y^e^ Speaker, as acquainted his honour wth the Choise the house had made of him for that place, notwithstanding persons more Capable as he thought then himself might have been thought upon, that he was conscious of his own want and Judgement & Experience to discharge the same, hoping his honour would Direct the House to make Choise of some other, whose Experience might render him more fitt for that Post, to which y^e^ Governour Replied To this Effect, Viz: That the Choice the House had made of Mr. Growdon was very acceptable to him, and that the Excuses he had made of his own Incapacities Could not perswade him to be of that opinion, but that he was very well assured of the Contrary, Then the Speaker desired free access at all times for the Service of the House to the Governrs. presence, & a favourable Interpretation of his accons. which Ended, the Governr. made the following Speech, Viz:

Gentlemen: Two Annual Assemblies have Sett and been fully ended Since I arrived in this Province invested with all Due Powers for the happy Govermt. of y^e^ People, and yet we have not had y^e^ satisfaction to see one act brought to Effect for the Publick Good and safety.

I shall forbear at this time to make any narrow Inquiries into the unhappy causes of our failing of so good an End, but assure you this that nothing would have yielded me a greater satisfaction than to have seen y^e^ Business of the Publick successfully Carried on, and that as I have been so I shall alwayes be ready to agree to any reasonable Bill the People can desire that are consistent with my honour & trust, more then which will not be Expected from men of Reason and Judgement.

That time has been mispent even when their seemed a more then ordinary necessity of makeing the best use & advantage of it, is very Evident to the People of this Province in Generall, who I doubt not have made choice of Such as will by a more Earnest and hearty application for the future to the Business that necessarily fall under their Care and Consideration, unanimously Endeavour to retrieve as much as possibly the honour and Creditt of the Province, and Consider the happiness they Enjoy in an opportunity still afforded to them to make themselves as Easy and secure as good and wholesome Laws can doe.

I hope you are now mett with a full Resolution to make use of this Opportunity by taking the most Effectual measures to Provide ffor y^e^ honour & safety of y^e^ Province, & shew yourselves subjects and Truly Deserving the ffavours of our most Gracious & Glorious sovereign, her Present Maj'ty., & pay gratefull acknowledgements to y^e^ Propty. for his continued Care over you, & consider your own happiness not only for ye present but for ye future ye far as you are Capable.

I Conceive the best method for this to be to take care yt ye dignity of Govermt. in all its branches be supported proportionably as in the Kingdom under her majties. more Immediate View, as we have ye great happiness to be part of her Majestys Dominions, that we may be made as usefull as can possible be Consistent with ye Circumstances of the place to that Kingdome, That Justice be duly adminstered & that all her Majestys subjects be made Easey & happy under her auspicious Reign. That at ye same time you may Remember the Proprts. is Invested wth all ye Powers of Govermt. under the Queen, that throught him they pass from the Crown, Therefore a high regard must be had to his honour and his Just Interest. By this means you may longer Enjoy ye Same Present administration, & by your prudent measures and Regular Settlement, Reflect an honour upon her Majtes. Government. It is a thing now so generally understood that it may be needless to tell you that Government being for the sake of the people, tis ye peoples business as farr as in ym. lies to support it, what is allready said on yt head will be sufficient to Lead you to a full Consideration of what may be found in Justice due; Containing this Perticular, I think my self obliged to Remark to you that as Governmt. must be kept up in a Constant administration, so necessary supplies for the support of it should be as Constant and fixt. Rule always a settled Revenue proportionable to ye known Comon & Continual. It has been ye Concern of many to know whats become of the Laws already past here, and I am now able to tell you that at length the Queens attorney Genr. has made his Report of them to the Lords of Trade & plantations, in which he has objected against above 30 of them, & rendered his Reasons of his objections. This Report I shall lay before you being sent over by the propr. That before her Majesty send her Repeal you may have an opportunity of Enacting such of them again as Can be Clear'd of those objections will requir you Immediate Care and application.

You will soon Perceive gentlemen, from what has been mentioned yt ye business before you is of the greast Importance, you have the Government to Provide for, These Laws to Reenact, a Divers others will doubtless occur to be added, a Due provision for the security of the Place as farr as may be, in those dangerous times of warr, Especially with Regard to the Indians who are to be secured in our Interest, the Regulation of Courts of Judicature, and Encouragemt. of Trade & Returns to England upon a Late act of Parliament in favour of ye Plantation.

The ffull settlemt. of the Property, & your own just Rights & Interest, the reforming divers abuses among sailors and others, that have crept into since ye Last Laws that have been past. The Suppression of Vice will require your Earnest care, more one of which are matters of concern upon all wch it may seem needless to Recommend to your Unanimity & Dispatch, the only means to bring all happily to Effect.

And in y^e^ meantime direct you to applye heartily, and with a sincere Zeal for the Common good of whats laid before you.

Of wch speech the Speaker desired a Copy, which was given him, the House withdrew, & Mr. Story & Mr. Trent were sent to the assembly to acquaint them y^t^ y^e^ assembly of y^e^ Lower Counties, sitting now by Charter at Newcastle, Layd him under a necessity of being with them for some few dayes, and that if there was any necessary to be done at present, they would Lett him know it this afternoon or to morrow morning.

The messengers returned & acquainted the Govr. that they were informed by the Speaker, the House had Just sent a message by Caleb Pusey & Tobias Dymock to his honr., upon y^e^ same matters Deliver'd. them in Charge, and y^e^ Houses messengers being Called in, Informed this Board that the House desired a sight of y^e^ attorney Generall Report of the Laws. and how long he thought he should stay at New Castell, wch Report was sent to y^e^ House and their messengers desired to acquaint them that y^e^ Governeur Intended to sett out of Town to morrow or Thursday morning at farthest, & would Returne on the 22d Instant.

Adjourned till Wensday, y^e^ 17th Instant, 9 a Clock in y^e^ morning.

At a Council held at Philadia., 23d of 8bre., 1705.

PRESENT:

The Honble. the Lieut. Govr.

Thomas Story, Wm. Trent, George Roch, Esq'rs.

Jos. Pidgeon,
James Logan, Secrt.

The Secr. was sent in a message to the assembly, to acquaint them that the Govr. now being returned, was ready wth y^e^ Council, to receive what matters they had to lay before him.

A message from the House by two members (Robt. Pyle & Wm. Paxon,) was sent to request the Govr. to Inform them whether the Proprt. had taken any notice of the address sent from the assembly, in May 1704, to y^e^ Queen upon the subject of oaths, & what answer y^e^ Govr. had Recd. relating to it.

To wch the Govr. answered, the Propt. had Recd. & taken notice of it, but that the address was attend'd with some Circumstance that renderd it Impracticable to the Propry. to press that matter with the ministry.

A petition from John Eastborne to the Govr. was read, Complaining of y^e^ Sherif of Bucks for not performing his duty in Executing a writt of Restitution issued from yᵉ Provincial Court in Bucks, upon their reserving a Judgemt. of yᵉ Court of that County, whereupon he prayes Relief.

Ordered that the said Eastbornes Council attend next Council day.

At a Council held at Philadia., 13th of 9bre., 1705.

PRESENT:

yᵉ Honble. JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest,
Griffith Owen,
Jasper Yeates,
Wm. Trent, } Esq'rs.

Geo. Roche,
Jos. Pidgeon,
James Logan.

The Govr. laid Before the board 11 Bills wch had recd. of yᵉ assembly last week, as follows:

1. The Law concerning Liberty of Concience, &c., wch Bill was read, & being Compared with yᵉ former Law, & the attorney Genr. objections in his Report to yᵉ Lords of Trade. It is approved, only that Clause in yᵉ former Law that Injoynes the observation of yᵉ Sabbath, being Left out, Tis proposed that the said Clause be added or that there be a Separate Law for it.

2. An Act against Ryots, Riotous sports, Plays & Games, In wch is observed, that instead of Obviating the attorneys Objection, this Bill incurs it further than the former. Tis proposed that all Games that tend to Riots should be forbid, and all manner of Gaming in Publick Houses, upon a severer penalty than in the Bill his Expressed, yᵉ Last Clause is approv'd.

3. Against Rape & Ravishmt. approved. But upon the Last Sentence, tis proposed that Provision be made by some other act for Houses of Corrections, otherwise these Clauses will be void.

4th. An Act against Bigamy approved.

5th. An Act against Burglary. Approved, only add in yᵉ Last line but two, & make satisfaction as aforesaid.

6th. An Act against Burning of Houses, &c. Approved.

7th. An Act against murder & manslaughter; That part of it against murther approved, but yᵉ other against manslaughter, & Chance medley, to be Left to the Laws of England, for the Penalty here is ill proportion'd. A Ruffian may be guilty of manslaughter, & suffer no other punishmt. than one years Imprisonmt., and a rich man may be forced se defendo to be yᵉ Death of one that attacks him, & thereby his family be ruined. That for Chance medley is also much too severe.

8th. An Act for County Seals, &c., Leaveing out yᵉ word imitate, answers, the attorneys Objections, & putting in with Intent to Defraud, leaves too great room.

9th. An Act limiting y^{e} Presentmt. of y^{e} grand Jury is approved.

10th. An Act for Determining Debts under 40 Shillings is approved.

11th. An Act against Riots & Rioters, approved.

Ordered, That these amendmts. be drawn out, & sent to the House by Judge Guest & Jos. Pidgeon, in y^{e} afternoon, & that they be desired to send what other Bills they have Ready.

At a Council held at Philadia, y^{e} 20, 9bre. 1705.

PRESENT:

Y^{e} Honble JOHN EVANS, Esqr., Lieut. Govr.

Thomas Story, } Esq'rs. George Roche,
Griffith Owen, Joseph Pidgeon,
Wm. Trent, James Logan.

The Govr. Laid before y^{e} Board a written message he had rec'd. from the Assembly, containing their answers to y^{e} amendmts. to y^{e} Bills sent by Ordr. of y^{e} last Session of this Board, to all wch amendmts. the house agree, saving those to the Bill against Riots & Riotous sports & Games, wch they request the Governr. may pass without any amendmt., the house not being able to agree to any alteration to the same.

Then severall other acts sent up by y^{e} house were Laid before the Board, as follows, Viz:

An Act against adultery & fornication was Read & agreed to.

An Act against Robbing & stealing was Read & agreed to.

An Act against Incest was Read. Order'd, that it should be proposed to y^{e} assembly, either to enlarge the Tables of Consanguinity, &c., or to make some other provision against marrying with first Cousins, and the sister or brother of former wife or Husband, not as a point of Religion, but to have as near a Conformity as may be to the Law of England.

An Act against Drunkenness was read and agreed to.

An Act about Departers out of the Province was read, & 'tis order'd y^{t} y^{e} following amendmt. be made, viz: After Court house Door, add, or most Public place instead of County Seal, read lesser Seal of the Province.

An Act for y^{e} Trial of Negroes was read, & y^{e} following amendmt. were made. Instead of whereof in the 3d line, read thereof, Instead of y^{e} sitting of such Courts, read holding of such Courts. The Punishmt. of Rape or attempt of Rape to Be death Instead of Imprisonment, this being a punishmt. principally on the Master, & y^{t} provision be made by the publick for a Compensation to y^{e} master for y^{e} loss of his negroe.

In the Clause of Negroes Stealing & provision against it, Read, The master or Owner of such Negro shall make Satisfaction to the party from whom such goods shall be stolen, provided the value of such goods exceed not yᵉ sum of five pounds, & in case such goods shall exceed yᵉ said sum in Value, then yᵉ negro or negroes Convicted of Stealing the same shall be punished by Death, & the master shall have satisfaction for the Loss of his Negroe made him by yᵉ Publick.

In the Clause for preventing Negroes meeting on yᵉ first dayes of the week, Instead of four, Read three, and add, except they all belong to one master.

An act for Bailing of Prisoners, and about Imprisonmt., was read & agreed to.

An Act about arrest & making debtors pay be servitude, was read & agreed to.

An Act for taking lands in Execution for Paymt. of Debts, was read & agreed to.

An Act for the Relief of the Poor, was read and agreed to.

The Law about seven years quiet possession was read, & ordered to lie on yᵉ Board, to be further Considered at yᵉ same time with the Bill of Property.

Order'd, that these amendmt. be sent to yᵉ house. The Secry. desired Leave to bring in a bill for the more Easy & Effectuall Collecting of yᵉ Propr. Quittrts., and accordingly he was ordered to prepare the same. He his also ordered to prepare a bill for maintaining a better Correspondence with the Indians upon these heads; That the Indians should have yᵉ advantage of all our Laws, with a further penalty of five pounds on those that should abuse them, and that none shall trade with yᵉ Indians with Licence: also, to prepare an act against Importation of Indian Slaves.

And then adjourned.

At a Council held at Philadia, Novbre. the 27, 1705.

PRESENT:

The Honble Lieut. Govr.

Thomas Story, Griffith Owen,	Esq'rs.	Joseph Pidgeon, James Logan.

The Govr. acquainted yᵉ Board, that he had recd. severall Bills from the Assembly, wch are as follows, & were read and Considered in order, viz:

An Act to prevent swine running at Large, was read & agreed to.

An Act for killing of Wolves, was read and agreed to.

An act for mariners not be trusted, was read. & Ordered that yᵉ following Amendmts. should be made to it, viz: "Upon the penalty of Losing what they shall so trust, and of yᵉ sum of five pounds over and above yᵉ same, one moiety to the master or mercht. injured who shall sue for yᵉ same, and the other to the Govr. for the time being, & shall further forfeit their License.

The Secry. also presented to the Board three bills, prepared by him by ordr. of the 20 Instant, whose Titles are as follows:

An Act for yᵉ Improveing a good Correspondence with the Indians.

An Act for collecting yᵉ arrears of yᵉ Two Thousd. pounds granted yᵉ proprir.

An Act for the more easy & Effectuall Collecting yᵉ Proprir. Quittrents, all wch were read and approved of, & ordered to be Ingrossed.

Ordered, that the said three last mentioned Bills, together with the other three next preceding, be sent to the House, and that Gr. Owen and the Secry. Carry the same. And then adjourned.

At a Council held at Philad., yᵉ 1 of Xbre.. 1705.

PRESENT:

The Honble JO. EVANS, Esqr. Lieut. Govr.

Jno. Guest, Joseph Pidgeon,
Thomas Story, &
Griffith Owen, James Logan.

The Govr. laid before yᵉ Board Several Bills sent up by the Assembly, viz:

An act to restrain people from Labour on the first day of the week, wch was read, debated, and after some time spent thereon, was committed to Tho. Story & James Logan, to draw up the amendmt., that they should find proper to make to yᵉ same, & report them to the Board.

An act for the better confirmation of the owners of Lands, & Inhabitants of this Province in their just rights and possessions, was read, and ordered to lie upon the Table.

An act for Confirming yᵉ sale of Lands made by attorneys or agents, and for ascertaining the proof of Instrumts. made out of this Province, was read, and these amendmt. made to yᵉ Same, Viz: In line 16th, read two or more witnesses; in line 17th, leave out Notary publick, & in line 25 & 26th, leave out solemn affirmation of. And then adjourned.

At a Council held at Philadia., the 4th of Xbre., 1705.

PRESENT:

The Honble. Lieut. Govr.

Griffith Owen, } Esq'rs. George Roche,
Thomas Story, } James Logan.

The Bill intituled an Act for the Better Improving a good

Correspondence wth the Indians, Sent by this Board to the House of Representatives being Returned by them with some amendmts., was read, and the amendmts. agreed to, except the Limitation of the sum allowed for the Charges of Treaties to fifty pounds per anm., and the Secry. is order'd to draw up the reasons of this Board Dissent.

A Bill intituled an act for collecting yᵉ arrears of the 2000 pounds Tax granted to the Proprir. being returned by the House with their assent, was order'd to be added to the Bill already agreed to.

A Bill arising from this Board, Intituled an act to prevent the Importation of Indians Slaves was read, & ordered to be sent to the Assembly for their Concurrence.

A petition from James Logan, Secretary, desiring the Governr. would be pleased to take into Consideration his Services done at this board, where for many years he has officiated as Clerk of yʳ Council without any manner of Recompense, except a very few fees, not amounting in yᵉ whole to £12; also his other Services to the Governmt. upon all occasions, in wch he hopes his Diligence has been Sufficiently known Since his arrival here, and that the Govr. would thereupon think fitt to recommend his said services to the assembly, that he may receive from the Publick some recompense suitable to his said services.

Ordered that the said Petition be sent to the assembly, & yᵉ Petitioners aforesaid services be recommended accordingly.

A Bill Intituled from the House, an act for Recording & acknowledging Deeds, was read & ordered to lie on the Table.

A Bill from the House, Intituled an act for Defalcation, was read and agreed to, with some amendmts. to be made.

A Bill Intituled an act concerning the Probates of written and nuncupative Wills, & for confirming the Devises of Lands was Read, and these two last mentioned Bills were committed to Thomas Story & James Logan to draw up the objections that are to be made to them. And then Adjourn'd.

At a Council held at Philadia., Xbre., yᵉ 5, 1705.

PRESENT:

Yᵉ Honble. JOHN EVANS, Esqr., Lieut. Govr.

Thomas Story, Griffith Owen,	Esq'rs.	Wm. Trent, James Logan.

The two Bills Intituled an act for Defalcation, and an act concerning the probates of written and nuncupative wills, &c. having yesterday been committed to Thomas Story & James Logan to draw up yᵉ objections made to them, the said Objection being laid before yᵉ Board, were read and approved of, as in yᵉ draughts of amendmt., and Thomas Story was ordered to carry yᵉ same, with the other Bills that had passed this Board to the House, & recommend the Engrossing of them to their speedy care; the said member was also ordered to carry the Secry. petition & recommend it to the Assembly, according to the orders of yesterday. And then adjourned.

At a Council held at Philadia., Xbre., yᵉ 12, 1705.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

John Guest, Griffith Owen, } Esq'rs. Thomas Story, James Logan.

The Bill Intituled an Act for the more easy & effectual Collecting of Proprir. Quittrents formerly sent from this Board to yᵉ House of Representatives being returned by them with Large Amendmts. and alterations, was read with those alterations, and objections being drawn up to them as in the Draught of amendmts. they were ordered to be carried to the House.

A Bill from the House Intituled an Act for selling the old Court house, and building a new Court house & prison, In the County of Bucks was read, & agreed to, & ordered to be sent to yᵉ house without any amendmts.

A Bill from the house Intituled an act for yᵉ further Securing yᵉ administarn. of the Govrmt. of this province was read & ordered to be returned to the House wth this only amendmt. Viz: in line 11th, Instead of Majority read or any five.

A Bill from the House Intituled a supplementary act to that about County Levies was read & agreed to without amendmts.

A Bill from yᵉ House Intituled an act for the Better proportioning the Rates of money in Paymts. made upon contract according to the former Regulation was read & Ordered to be sent to the House.

And then Adjourned.

At at Council Held at Philadia., Xbre. yᵉ 13, 1705, Jovis.

PRESENT:

The Honble. JOHN EVANS, Esqr., Leiut Governor.

John Guest, Griffith Owen, } Esq'rs. Thomas Story, James Logan.

The Severall amendmts. made & ordered yesterday to the Bills then read, being prepared & transcribed, Tho. Story was ordered to carry them to the House; & no more business from the House presenting, by wch it appeared that the debate of yᵉ amendmts. took them up much time, & that yᵉ returns of message & answers occasioned great Delays & retarded ye Dispatch of business; it was Resolved that a Conference with the assembly should, be proposed to be held with them in ye Council Chamber, to debate all those points in ye severall Bills sent from or to the House of Representatives, wch this Board & they have not hitherto been able to agree in.

And then Adjourned.

At a Council held at Philadia., the 17th of Xbre., 1705.

PRESENT:

The Honble JNO. EVANS, Esqr., Lieut. Govr.

John Guest, Thomas Story, Griffith Owen, Wm. Trent, Esq'rs.
George Roch, Joseph Pidgeon, & James Logan.

The Govr. having in pursuance of ye Resolution of ye Last Session of this Board proposed to the Assembly that conferance might be held wth them for wch this day was appointed. A message was brought from the house to inform the Govr. that they would wait on him in half an hour if he thought fitt, and they were desired to Come accordingly.

The Govr. acquainted the Board that he had recd. orders from England, to appoint a Solemn thanksgiving for the signal victory obtained over ye ffrench, after having forced the Enemies Lines in the Spanish Netherlands this Last summer, and recommended it to the Board to think of what day will be most proper for ye same.

The Council thought fitt to leave it to ye Govr. himself, & he appointed the 10th day of Janry. next, & ordered that a Proclamation should be forthwith drawn & Printed, that all might have notice to observe ye said day wth ye greast Exactness.

The Assembly not coming according to time, T. Story was ordered to acquaint the House that he would Except their attendance at three this afternoon. To which time they adjourned.

At a Council Held at Philadia., ye 17 of Xbre., 1705, P. M.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

John Guest, Thomas Story, Griffith Owen, Wm. Trent, Esq'rs.
George Roch, Joseph Pidgeon, & James Logan.

The Speaker & the whole House attended the Govr. and Council in a Conference upon the amendmts. sent from this Board to ye

Assembly wch they could not agree to, and first y^e objections to the Bill agast. Riotous Sports and Games were read, & tis agreed that amendmts. should be drawn up by this Board again & sent to y^e House.

The Amendmts. to the Bill for Improving a better Correspondence with the Indians was read, And the Speaker informed the Govr. that the House could not agree to advance above the sum of £50, (this being the first time they had done any thing of y^e kind) until they had made some trial of it, and then they might be Encouraged to proceed as they should find further occasion, But that it might be left out of this Bill provided it were inserted in y^e Bill for a Supply.

Ordered, that this Bill lie till the said Bill for a supply be brought in.

The amendmts. to the Bill for the Confirmation of Lands to the owners, &c., were read and Debated, And 'tis agreed, that because there is rather greater occasion to enable Religious Societies to purchase or Receive lands than to dispose of them, these Clause shall be left out of this Bill, and a new one be drawn up for that purpose alone, viz: to enable Religious Societies, Counties, Towns, &c., to purchase & sell Lands.

The amendmts. to the Bill for Trial of Negroes, were read, & the Speaker in lieu of them, proposed certain other amendmts., wch are agreed to.

The amendmts. to the Bill for Setling the Estates of Intestates, were read & argued, and all agreed to by the House, only a mistake appearing in the Language in one place, it was committed to y^e House to amend it.

The amendmts. to the Bill concerning the Probates of wills, &c., were read & argued, and the Bill was further Committed to the Consideration of the House, upon the Inconveniency of Deputies in the Counties of Bucks & Chester, as appointed in the Bill, & upon the whole Clause of appointing Deputies.

The amendmts. to the Bill for acknowledging and Recording of Deeds, were read and in part argued, but much time being spent in the conference, y^e rest was referred to be entred upon at ten in the morning, at wch time y^e Conference is to be renewed, and till then adjourned.

At a Council held at Philad., 18th Xbre., 1705.

PRESENT:

The Honble JNO. EVANS, Esqr., Lieut. Govr.

Griffith Owen, Thomas Story, Wm. Trent,	Esq'rs.	Joseph Pidgeon, & James Logan.

The Speaker and whole house attended the Govr. to renew the

Conference, & the Speaker presented to the Board the Bill for the Probates of Wills, with an amendment made to the same by the House, wch was agreed to, Butt the Bill is ordered to lie on y^e^ Table.

The amendmt. made by the Board to the Bill for Collecting the Propr. Quittrents as sent back from the House, were read, but some of y^e^ Representatives appearing much against it, it was debated whether they should be argued or not, at length y^e^ affirmative prevailing, each amendmt. was severally considered.

The clause for recording the Receiver Generalls Commission in Each County, being insisted on by the Assembly, it past over and agreed to by the Board.

The 2d amendmt. upon the words having had due notice, was agreed to be changed for having had publick notice, & referred to y^e^ House to make y^e^ alteration.

The House having omitted the Clause sent in the said Bill from this Board, viz: that no action brought by the Propr. for Quitrents should Debarr him from making distress, was argued and left to the further Consideration of the House.

The amendmt. pa. 1, line 32, for bringing in Quittrents, payable in money to the Receiver, was largely debated, and length referred to the Consideration of y^e^ House.

The amendmt., pa. 2, line 6, reading specially for that purpose, was past over by y^e^ Board, and agreed to as now In the Bill.

The amendmt. made buy the House, that upon a person losing his receipt, & being sued for his Rent, his affirmation shall be given in Evidence to y^e^ Jury, was largely debated, and again left to y^e^ Consideration of y^e^ House.

The amendmts. Concerning y^e^ givin of Obligations for the paymt. of Rents, for the takeing out of Patents, was debated, and left to y^e^ further Consideration of the House.

The amendmt. Concerning the Deviding of Quittrents, was further debated, and again referred to the Consideration of the House.

And then adjourned to ten in the morning, at wch time y^e^ conference is to be Renewed.

At a Council held at Philadia., the 19th Xbre., 1705.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

John Guest, Thomas Story, Griffith Owen, } Es'qrs. Wm. Trent, Joseph Pidgeon, James Logan.

Edward Shippen as Chairman of y^e^ Committee, with a Considerable number of Representatives attended the Govr. and Council, and acquainted y^e^ Govr. that their Speaker being taken sick, could not attend himself, but had appointed a Committee to wait upon the Govr. in order to Carry on the business before them, wch they might be admitted to proceed in y^e^ same manner as they had done before when the Speaker and the whole House attended.

The Govr. desired him if he were Chairman, and appointed to appear in the Speakers place that then he would take his Chair.

The Conference began, and the amendmt. that had not been gone through in y^e^ two preceding days were proceeded on.

The Bill about Witnesses and the manner of Giving evidence was Largely debated and Committed the House for there further Consideration.

The Debates upon the amendmt. to the Bill for Recording & acknowledging of Deeds was re-assumed where left off at the first Conference, & the Provisoe concerning Inrolling agreed to, as by this Board amended.

The Clause about Entring satisfaction to mortgages in the Inrollmt. office is agreed to, as now in the Bill.

The amendmt. proposed for securing Grants made here of the Proper Lands, agreed to by the House and ordered to be Inserted In the Bill.

The Clause allowing one penny per line for Emplyfications is agreed to.

The Clause about Searches to be further Considered of by the House.

The Clause that the Inroller if not keeper of Seal of the County shall have a proper Seal of the Office, was agreed & referred to y^e^ further Consideration of the House.

The amendmts. upon the nomination of a Master of the Rolls & Recorders were largely debated & referred to the further Consideration of y^e^ House.

And then adjourned.

At a Council held at Philadia., Xbre., y^e^ 21, 1705.

PRESENT:

The Honble JNO. EVANS, Esqr., Lieut. Govr.

Jno. Guest, Tho. Story, Griffith Owen,	Esq'rs.	Wm. Trent, Jos. Pidgeon, James Logan.

Severall acts having been sent up by the House they were Considered as follows.

A Bill Intituled an act for Selling beer & ale by wine measure sent from the House, was read, and 'tis objected that as there must be one of y^e^ laws recited In——

1. An Act for Selling Beer & Ale by wine measure sent from the House was read, & 'tis objected that as there must be one of the Laws recited in the said Act altered, 'tis more reasonable to oblige the Brewers to sell to the Retailers by Beer measure as in England, wch they may well afford, Especially if the assembly design not to lay any Impost on Beer or ale Retailed.

2. An Act to Confirm to Ralph ffishbourn the old Court house of Chester County was read & agreed to.

3. An Act to ascertain the number of members of Assembly & to regular the Elections was read.

Pa. 2, line 26. Leave it at the Electors Choice to give in the 8 names verbally or in writting, lett their be Clerks ready to receive the first, & in the 2d lett the Clerks read the names distinctly to the person that brings it, and make an amendmt. in proper words to this purpose.

4. An Act about attachmts. was read & approved, Inserting In ye Last Line but 3d, by himself or his lawfull attorney.

5. An act that a solemn affirmation shall pass in this Province Instead of an Oath was read. Ordered that it be again recommended to the House eighter to draw it more Conformable to the Queens Ordr. or to Defer the Putting it in Execution for Some time till the Queen's pleasure can be known in it, wch may prove the most effectuall method to obtain the Royal Sanction, or if Instead of both these a method can be found by altering the Constitution of the Courts of Judicature, it may be Eligible before either of the other.

6. An Act Settling of officers fees was read. Orded. That Several officers mentioned In the said Act, viz: Secretary, Surveyor, Master of the Rolls, Keeper of the great Seal, Clerk, Sherif, Queens Collector, Naval Officer & Coroner, be summoned to bring an acct. of ye fees they now take to this Board, to morrow at 11 in morning Exactly.

The Act agst. Incest, Sodomy &c. Returned by the House with their additional amendmt., Upon the Proposal made by this Board, laying a Penalty of £20 upon marriages with first Cousins or ye Wifes Sister, &c. Ordered, that unless ye assembly agree more Effectually to discourage such mariages, the whole Clause be left out, & ye Bill pass as at first.

A Proclamation ordered ye Instant for a Genrll. Thanksgiving, to be observ'd on ye 10th Day of Jaury. next ensuing, throughout this Governmt., was read & past. Thomas Story & Griffith Owen desiring to be excused from being In any wise concerned in ye Order, and they were Excused Accordingly.

At a Council held at Philadia, Xbre. y^e 22d, 1705.

PRESENT:

John Guest,
Thomas Story,
Griffith Owen,
Samll. ffinney,
Esq'rs.
Wm. Trent,
J. Pidgeon,
James Logan.

The Collectors & Naval officers of Philadia., according to y^e Orders of Yesterday attend'd, as also the other officers, & the fees in y^e Bill presented being read to them Respectively, the sd. Collector & Naval officers Complained that those here limited were much inferiour to what had been formerly allowed by y^e Laws of this Govrmt., and were no way Proportioned, nor Countervailed their Trouble, therefore requested the Board to have better provision made.

The Attorney Genl., Sherif & Clerk of y^e County also appeared, & desired further time.

The Coroner agreed that the fees allowed him were the same he now took.

A message from the assembly acquainted the Gov., that the Houses was desirous to adjourn for a week, unless the Govr. was of opinion that the whole business could be dispatched before the day Called Christmas.

Ordr., that an answer Should be sent in the afternoon.

An amendmt. made by the House to the Bill for Regulating Paymt. of money on former Contracts, was read, Instead of wch it was Ordered, that another amendmt. should be made allowing Bitts under the number Six to pass Single & to be weighed to 4 Grains at 6d. per dwt.; but above six, Bitts to be weighed together at 5½d. per dw.

Another message from the Assembly, acquainted the Govr. that the House was desirous to rise and wait his answer.

The Secretary was Ordered to Carry the amendmt. to the aforesaid Bill, & to lett the House know the Govr. agreed to the adjournmt., & that in y^e meantime the House should appoint a Committee to Examine, with Power also to mend the Language of the Bills where there should be Occasion, in conjunction with some members of this Board. Adjourned.

At a Council held at Philadia, Xbre., y^e 27th, 1705.

PRESENT:

Jno. Guest,
Griffith Owen,
Wm. Trent,
Esq'rs.
Joseph Pidgeon,
&
James Logan.

A Bill for granting a supply for support of Governmt., Brought in last week, was read & agreed to with some small amendmt., to be laid before the Committee.

The Bill for settling y^e^ Estates of Intestates, was read and agreed to as amended By y^e^ House.

The Bill for Collecting Quittrents was Committed to y^e^ Secretary as Receiver Generall.

The Bill for Seven years quiet Possession was Read. Ordered, that y^e^ words upon an Equitable right should be Inserted in y^e^ 4th Line, & further Considered.

The Bill for Improving a better correspondence with y^e^ Indians, was considered, & the sum of £50 blotted out, according to the amendmt. of this Board, & y^e^ Proposal of the Assembly thereupon.

The Bill for Departs out of this Province was again Considered. Ordered, that for Persons that design to leave y^e^ Continent, y^e^ Pass shall be from the Governr.

The Bill of fees being further considered, 'Tis Ordered, that such officers as shall not give in their reason, & attend next Council day, their fees shall pass as in y^e^ Bill. Adjourned to 7th day.

At a Council held at Philadia., the 31 of Xbre., 1705.

PRESENT:

John Guest, Griffith Owen, Thom. Story,	Esq'rs.	Wm. Trent, Jos. Pidgeon, James Logan.

An Act about Departers out of y^e^ Province, as sent up, was again Read: line 7, Read, Under the Province Seal if going to sea; Or, under either the Province or County Seal if y^e^ persons travels by Land. It is convenient on many accts., that persons designing to leave y^e^ Country & Transport themselves into Remote Parts, should first wait on y^e^ Governr.

An Act for Seven years quiet possession, Line 4, Insert which were first entred on, Upon a good & Equitable Right, & line 6th, leave out y^e^ whole parenthesis, for 'tis need less.

Act for collecting Quittrents, P. 2, line 23, after old Renters, read, upon Alienation before the said first of March, the Recvr. or his Deputy shall not be obliged to receive for any part or portion of Lotts or Lands less than 3d sterl. yearly, or one Peck of wheat on old Rents, for under this sum there has scarce been any alienations in y^e^ Country, but many rents in y^e^ town will be utterly lost, if divided as they now are by buildings.

Act for Regulating fees. A Conference between some members of the Assemble, with others of the Council, together with the officers themselves, is desired to Concert this forthwith.

Act Impowering religious meettings, &c., to sell, was read & left for further Consideration.

The Secretary was ordered to Transcribe & carry in the said Amendmts.

At a Council held at Philadia., the 3d of 11 mo., 1705.

PRESENT :

The ———.

John Guest, Thomas Story, Jasper Yeats,	Esq'rs.	Wm. Trent, Joseph Pidgeon, James Logan.

Act to sell ale & Beer by wine measure Sent up by the House, (with 8 more bills all returned,) they request the Govr. to agree to it without the amendmt. proposed, which is assented to.

Act for 7 years quiet possession sent up again by yᵉ house agreing to yᵉ amendmt.

Act for acknowledging Deeds as returned by the House, was read, and all yᵉ amendmts. agreed to but the last, to which 'tis objected, that the master of the Rolls for the future ought not to be se bene gesserit, but as other Commissions abroad are durante Bene placito, & no Master of the Rolls appointed.

Act for Settling Estates of Intestates. In the 8th line if yᵉ last additional Clause, insert within 21 years. Order'd, that an amendment be made Requiring: Act for Quittrents, a Consideration of one Shilling Sterl. for Every new Entry of a Name upon an alienation, & that Replevins to be where grantable by the Laws of Engld.

POST MERIDIEM.

The same as before.

A Bill for Confirmation of Gifts, Grants and Conveyances to Regious meetings, Schools, Towns, Villages & Counties in this Province, & of their Sales & Grants Sent up from the assembly to this Board, was read & Debated.

It was moved that the Church of England having no power in England to alienate Lands granted to them for pious uses; they may think it of ill Consequence to themselves here to be invested with such a power, & therefore may be unwilling to accept of it.

Ordered, that the Vestry of the Church of Philadia. be acquainted with the sd. Bill, & that they be desired, in case they find any objections against accepting of such a Power, as to inform the Govr. of the same as speedily as may be.

Ordered, that Religious Worship be Restricted to the Christion Religion, and that the words duly appointed be inserted after yᵉ words person, by ordr. & directions.

Ordered, that the Secretary carry yᵉ Bills this day amended to the house for their Concurrence, & that they be desired to appoint a Committee to joyn another of the Council in the morning, to Confer about the Bill for regulating fees, together with yᵉ officers Concerned.

At a Council held at Philadia., the 5, 11 mo., 1705.

PRESENT:

The ——

John Guest, Jasper Yeats,
Thomas Story, Esq'rs. Wm. Trent,
Griffith Owen, James Logan.

A Bill Intituled an Act directing the Qualification of all magistrates and officers, as also the manner of giving Evidence, sent yesterday from the House to this Board, was read & largely debated, and referr'd to be debated in the afternoon.

A Bill brought in by the Attorney Genll. by the Govrs. Orders, for preserving y^e high wayes, by requiring Horses to draw double was read & sent by y^e Secry., to the assembly, together with a message in answer to their message, now brought to tell them that the Govr. would send an answer to all y^e Bills before him with all possible speed.

At a Council held at Philadia., 7th of the 11 mo., 1705.

PRESENT:

John Guest, Wm. Trent,
Thom. Story, Esq'rs. Joseph Pidgeon,
Griffith Owen, James Logan.

A Bill Intituled an Act for Establishing courts of Judicature in the Province, &c. Prepared by the Govrs. Orders, was read and considered.

Ordered, That a Proviso should be added, reserving a Power to the Proprietors to erect Proper courts. Another, that former process be not discontinued, and that past Judgemts. be confirmed.

A message from the assembly Presented to the Board two Bills from the House; the one Intituled an act to ascertain the number of members, & to regulate the Elections & the other, an act for Reguting Elections of Sherif & Coroners.

A petition being presented to this Board, Direct to y^e Govr., Council & assembly, Signed by Severall of the Inhabitants of Philadia., was read, requesting that either all Bitts or Ryals should be made to pass by the Law now about to be Enacted, at Sixpence per. penny weight without Distinction; or otherwise, if that may not Conveniently be, that they may all pass at 5½d; otherwise Retailers will suffer Loss if they pass at different Prices.

The Petition was ordered to be sent to the Assembly, by the members that brought the last message, with this proposal, that Bitts might be taken single to y^e number of three, and not otherwise, at 6d. per dw., & that nothing Less than 6 grains should be accounted for.

The Bill for Regulating Elections of Sherifs, &c. was read & approved of, leaving out only y^e last Proviso but one.

The Bill for ascertaining the numbers of members, &c. was read and all approved of, except the Clause directing the method of electing, wch is rejected, and the 8th line in ye 5th page beginning notwithstanding to be left out as Needless.

POST MERIDIEM.

The same.

The Bill for Establishing Courts of Judicature with the two Bills sent in this morning, were sent to the House with the amendmts. upon them, by J. Pidgeon.

A Bill Derecting the Qualifications of officers, &c. prepared by ye attorney Genl., was brought in & read, & Debates arising upon it, the Govr. Adjourned ye Council till the morning.

At a Council held at Philadia., ye 8th of ye 11 mo., 1705.

PRESENT:

John Guest, Thomas Story, Jasper Yeats,	Esq'rs.	Wm. Trent, Jos. Pidgeon, James Logan.

A Bill of fees, as Presented to this Board by the House, was returned by ye Secry., together with an accot. of the Officers fees as by them presented to this Board and referred to the Consideration of the Assembly.

The Bill for affirmations as last presented by the house, was again taken into Consideration, and Debated & referred.

A Message from the Assembly by S. Carpenter & J. Norris, returned to this Board the two Bills for Elections of members of assembly and of Sherifs & Coroners, amended by the House according to the Proposals made by this Board, only that in the Bill for Electing of Sherifs, &c. the House (upon view of the sd Bill) Seemed to have expunged the last Proviso, together with the last but one objected to by this Board.

Ordered That Thomas Story Carry the Bill to the House, & inform them, that unless the last proviso stands, the Govr. cannot agree to the Bill.

The said members of Assembly also brought up the Bill for Regulating of Money, as agreed to by the House upon the Petition sent to them the 5th Instant, Signed by severall of the Inhabitants of Philadia. Also the Bill for preserving the Highways, as agreed to by the House with alterations.

The said members also brought in again ye Bill for a better Correspondence with the Indians, desiring in the name of the assembly, that the Bill might Pass as sent up by the House, wth the Limitation of £50 for ye Charges of one year, and that the said Limitation & the Clause Relating thereunto, might be blotted out of the Bill for Raising a supply for Support of Governmt.

Adjourned till 3 in the afternoon.

POST MERIDIEM, The same as before.

The Council being mett, and it being represented that the Assembly is exceedingly desirous for this time to depart, & therefore desire that what Bills lay before this Board may be expedited. The Bill for Confirming Grants & Patents from the Proprir., &c., was read & Debated, & upon yᵉ Debates it is, 1. Ordered, That instead of the first Clause in this Bill, the first Generall clause in the bill of Property so Called, past at Newcastle, be Inserted in its place.

2. That the Clause beginning at line 27th, obliging yᵉ Propr. to appoint Commissrs. upon reasonable Demands to Confirm all Lands. &c., be Left out as being unfit for the Governr. to pass without the Proprs. immediate assent.

3. That instead of yᵉ ten Acres allowed by the Propr. (line 17th) be inserted yᵉ 4 acres allowed by the Proprietr. for difference of survey, & yᵉ 6 acres allowed for Roads & Barrens. Page 2d, line 4. Insert after seals, pursuant to the Powers from him derived.

Line 26, that for Nature kinds qualities or quantities, be read natures kind or Qualities.

Line 37, That yᵉ whole clause of warrantee or Saving harmless, be left out as being too much for yᵉ Govr. to pass without the Proprietrs. assent first had. That instead of the Last clause wch determines J. Growdons & J. Tathams Exrs. case now in dispute, without hearing it, there be an Exception of yᵉ sd. J. Growdon's case, & that it be left to yᵉ Law as if this act had never been made. That instead of Wm. Penn after yᵉ first time the Proprir. be always Read.

At a Council held at Philadia., the 9th of yᵉ 11 mo., 1705.

PRESENT:

John Guest, Thom. Story, Jasper Yeats,	Esq'rs.	Wm. Trent, Jos. Pidgeon, J. Logan.

Amendmts. to the Bill Intituled an act to Confirm Grants & Patents, & for prevention of Law suitt, were drawn up as formerly agreed on, (vid amendmts.) wth a preamble as a message acquainting the House that the said act chiefly affecting the Proprir., who is one party throughout the whole, & therefore ought to be Consulted upon Every particular, he thought it rather Belonged Immediately to the Proprietr. than to himself to Consider it, that he might make it as it truly ought to be, his own proper act & deed, for wch End the Governeur had already sent away two Copies of it and Doubted not but he should Receive a favourable answer before the year of the present assembly's Service is Expired, Yet least the People should be uneasy in not being Settled, yᵉ Govr. is willing to pass the act in the meantime with the same amendmts.

Judge Yeates and the Secrety. were sent to the house with the Bill directing the Qualifications of officers and affirmations, and the Bill for impowering Religious Societies, Counties, &c., to buy and sell Lands, concerning which they were ordered to inform the House. As to the first that the Governour was very willing y^e^ Countrey should be made easy upon that head, but that if they could find a method to Excuse him from being an, actor in it he would take it as a favour, that therefore he proposed either that the House would, (as he had proposed before,) agree to draw up the Bill exactly according to Queens Ordr. about Oaths & affirmations in this Province, or if they Could not fully come up to this, that they would be Content y^e^ act should not be in force till it received the Queens sanction, or otherwise that they would draw up such a Bill as would best suit them and send it over to the Proprietor to sollicit the Royal Sanction, He being the only proper person to ingage in the Business that so much concerns the Quakers as a People.

To the other Bill for Impowering religious Societies, &c., They are ordered to acquaint the House That the Governr. is of opinion such a Bill may be reasonable & necessary for the Country, but he had some particular reasons why he cannot agree to it as now drawn, yet is willing that in some little time it may pass wth such amendments as shall be concluded when he had taken further advice upon it, which he will Speedily take care to do. And further that what Bills were agreed on, the Governr. is willing to pass and end this session as soon as they please, those that were sent up being mostly engrossed & ready as the secry. informed.

A Bill also prepared at this Board, directing the order of payments of Debts left out in the Bill for Intestates Estates, was sent by the said members to the House for their Concurrence. The said two members returning, reported that they had delivered their message as given them in Charge, and then adjourned to two in the afternoon.

9th, POST MERIDIEM.

The same as before.

A message from the Assembly of 6 of their Principal members, viz: Edward Shippen, Samll. Carpenter, Coll. Pusey, Rd. Hill, David Lloyd and Isaac Norris. That the House having taken into consideration the message sent to them from this Board in the morning, had come to a Result thereupon, & ordered ym to Represent to the Governr. That the assembly had now sate long, and had laboured to the best of their abilities, (and not without good hopes) to bring matters to such a Close as might prove most benificial to the Country they represented. That among all those matters the Countrey would stand mostly in need of, there was none of greater Importance to them, and what they would more sensibly feel the want of than the Bill directing the Qualifications of Officers, and the manner of giving Evidence, that should they return home without answering the Exigencies of the People in this Point whatever they could effect, besides would be insufficient to atone for so great a Neglect, they hoped that what they craved they should be very capable to make appear indisputably to be their due, and that seeing they had advanced to the utmost of their power to answer the Queens Ordr. about oaths & affirmations, and that upon an impartial view the Bill they had last offered would be found no way repugnant to that ordr.,they hoped it would meet with no further delay, & therefore earnestly besought the Governour to take the Bill further into Consideration before this session be over. They also requested the Governour to answr. theCountreyes desire in the other Bill,for Impowering religious Societies, Counties, &c., to sell and buy Land, being likewise of very great Importance to ye People.

Arguments to the same purpose were much pressed by all the said members, and then they withdrew.

The Governour and Council spending some time in debate upon up ye said message, It was Resolved, that the House should be forthwith acquainted by a message from this Board, That the Governr. is much troubled, the assembly could not be satisfied with any of the three Proposals he had made to them in the morning, but seeing they are come to this resolution still to press it further, if they are willing to have the matter debated, he will agree to a Conference to be held this Evening, either with the whole House or such members as they shall appoint.

The Secretary's ordered to carry the said message, who returning, reports that he had delvd. it accordingly, and that the assembly embraces the proposal and will attend the Governr. as soon as they can put themselves in Order.

All the members in town except the Speaker, who being indisposed could not come, attended the Governour for the proposed Conference and largely debated ye matter.

The Governour told them He would have been heartily glad if they could have agreed to any of the Proposals he had made them this morning, because tho' many might look upon the Bill to be reasonable, yet in as much as it interferes with her Ma'ties. Order, which must be always a Rule to him, he thought it very unsafe in any point to act inconsistently wth it.

The Atty. Genll., (G. Lowther,) being sent for, it was alledged by such of this Board as profess the Law, (vizt.: J. Guest,) together with the said attorney, That in Capital cases there was no Power granted, or could be granted by the Royal Charter, to make a law by which a man should be tried for his life, but by a Jury sworn according to y Law of Engld.

Upon which the argument was divided into two heads, first, whether the Governr. and assembly have any such Power as to make a Law, that an affirmation in this Province shall in all cases where the Plantation acts require not Oaths, be equivalent to an oath, and next how far 'tis prudent or safe to enact any such Law, admit there be such a power, till such time as the Queens Pleasure be known therein.

On the first head it was after a full debate Resolved and Concluded, that the Power is sufficient, and such an Act is not contrary to Law, for several acts having been past here & sent home for the Queens approbation, when those acts have been presented to the attorney General to consider them in Law only, he has never objected to any act of the kind, tho' several Lawes of this Province have been enacted quite altering the method of Proceedings, in most or many of the Crimes that are capital in England, & further that were such as cannot swear excluded out of Juries in this Province it would prove a very great Insecurity to the People, for in Countrey places a Grand & Petty Jury could not be made up without them, unless they should almost wholly consist of Swedes & other foreigners in whom there would be a much less security.

To the 2d 'tis answered by the managers for the Assembly, that the Queens Ordr. seems not to have been designed as any hardship to any of her people of this place, but rather calculated in most points to answer the Circumstances of the Inhabitants, that this Bill now proposed, fully comes up to the Queens Ordr. in every respect, if the words of the Ordr. be duly Considered; for it leaves full Liberty to all persons who are free to take Oaths to receive them from a proper Officer that can administer them, and those who cannot are to take the same affirmation that is required by that Order.

'Tis Objected by the Governour that by this Bill an oath cannot in all cases be administered, tho' the party be willing to take it, because it Enacts that where the magistrate cannot administer an oath, the affirmation shall pass and be taken in lieu thereof, but the Queens Order requires that an oath shall be administred to all persons who in England are obliged willing and to take one.

Answered by the Assembly, That seeing this Countrey was at first settled and is now chiefly inhabited by those called Quakers, who neither can take nor administer an Oath, some of those people as they have both right and merit on their side to have authority in a place themselves have made, so in several places of the Governmt., they must of necessity be in Commission, or there will be none found for the magistracy, & this even the Queens Order plainly implies by allowing an affirmation to be as good a qualification of a Judge or Magistrate as an oath, but should the same Ordr. require these persons to doe what is certainly known before hand they are incapable of, it would carry an incongruity with it, which is not fit to be imagined of any thing proceeding from the royal Authority, and the consequence would be to remove out of Office all those of that Profession, or at least to incapacitate them (which is equivalent) to discharge their duties therein.

Replied by this Board that there are several of that Profession still in Commissn. and especially in the Counties of Bucks and

Chester, where there is a manifest necessity for it, yet they act and discharge their Trusts very well notwithstanding the Queens Ordr. is generally put in practice there.

Rejoyned by the Assembly, That it will always be the same after this act is passed, that in the Courts, if there be any magistrate present who can administer an oath he now administers it when required, that so it will also be here after Provision being made for this in the Bill. But the hardship is, that if any Criminal or Delinquent be brought before a private magistrate who cannot swear, (as tis impossible to find sufficient setts of Justices in each County that can swear, or if at any time there should happen to be no Jurant magistrate in the Court, which by the care that is taken can but very rarely happen,) if this Criminal desire any Evidence to be sworn, unless his desire is complied wth the Proceedings by the Queens order are to be void & the Justice falls short in his Duty, to prevent which and such other failures, as well as to make y^e affirmation legal proof, even from one called a Quaker. This bill is designed, & therefore never can be displeasing to the ministry, nor can be construed to bear any repugnancy to the Queens Ordr. which was certainly intended to bring matters to a greater regularity, and not to involve the place by reason of its particular Circumstances into the greatest perplexity. However they Humbly request that it may be enacted here, and presented to the Queen who they doubt not will be graciously pleased to favour it if duly represented wth her royal approbation.

They also requested that the Governour would be pleased to pass that other Bill for Empowering Religious Societies to receive and dispose of Lands for their necessary uses, without which the People would be greatly wronged, not having a spot of Ground in the whole Countrey, (tho., by Incouragement from the Crown they at first duly purchased & afterwards by their Labour & Estates improved it) either for a publick meeting House, Burying Ground, or such other uses that they can call their own, if this be once disputed, a Proceeding, which at their first venturing their Estates and families to make this the Colony that it now is, they never Expected to see, and are now very much surprised to find the least hesitation made upon it.

The Governr. promised to take care about it, but could not, he said, pass the Bill this session, that however they need not apprehend their losing it, and then the Conference ended.

At A Council held at Philadia., the 12th January, 1705.

PRESENT:

The Lieutenant Governour.

John Guest, Thomas Story, Willm. Trent, Esq'rs.
Joseph Pidgeon,
James Logan.

The Governour laid before the Board an address that he last night recevd. from the assembly, delvd. to him by the greatest part of the Represents. in a Body together with the Bill directing the Qualifications of officers & the manner of giving Evidence as they last agreed upon it, which address was read and was as follows.

To the Honble. John Evans, Esq., Governr. of the Province of Pensilvania, &c. the address of the Representatives of the freemen of the said Province in Assembly met.
Humbly Sheweth:

That whereas, our Proprietary Governr. Wm. Penn, Esqr., by his Charter of Priviledges granted to the free People of this Province amongst other things therein mentioned, that the assembly of the said Province shall set yearly at Philadelphia, Except y^e Governr & assembly shall think fit to appoint another place. And for as much as Philadia. wch has hitherto been the place of session, is without State house, Court house, or other publick Building to sett in, and that the representatives have been usually under difficulties to get a convenient room for that service, and the Country members have sometime paid for the use of a room out of their own private Purses and at this time with much struggling they have hardly avoided a General Charge.

Therefore the humble Request of the Representatives of the said Province in assembly met, is that it may please the Governour to order that for the future, Assemblies may be held in Each County alternately, and that the next session of Assembly may be at Chester, & the next then following at Bucks, and the next after that at Philadia., and so successively forever hereafter, Except the Governour and assembly shall see cause to appoint otherwise.

The said address being referred, & the said Bill for Qualification of Officers being taken into Consideration, It was after several debates, resolved and agreed to by the Governour, that seeing nothing short of that Bill would content the assembly, and they so forcibly urged their reasons for it, It should pass wth this alteration, vizt.: that the act should not be in force till after a Certain time, in which it might be presented to the Queen or Board of Trade & Plantations to Consider of it, for which time the first of 8br. next was agreed on, and an amendment to the Bill was made accordingly. Ordered, that Judge Guest and the Secry. carry the said Bill to the House, and inform them that the Governr. cannot any otherwise agree to it than as now proposed, That he must defer the other Bill Impowering Religious Societies, &c., to their next meeting. That he is very desirous the present session should this day End with the week, that all the Bills are Engrossed that have been agreed to, and if the assembly can be satisfied with the amendment now sent, they are desired immediately to return it to the Secry. that it may be Ingrossed, & ready with the rest to receive the Governours sanction, this afternoon about 4 of the Clock, at which time the whole House is required to attend the Governr., & to adjourn themselves to the Council Chamber, that they may be there treated with as an House upon some points that will arise, which time will not allow them to settle by messages.

The said members returning, reported they had delivered their message, that the Speaker told them that he would lay what they had said before the House, and y^t they would take care with all dispatch to send an answer.

A message from the Assembly presented to the Governour the Bill directing the Ordr. of payment of Debts of persons deceased, which was sent to them from this Board, agreed to by the House with some amendments, as also the Bill directing the Qualifications of officers, &c., agreed to likewise by the House, only that they requested the Governr. the act might take place sometime in the month of 7br., that so it might be in force before y^e time that the present annual assembly should be over, which Ends with 7br. Adjourned to four in the afternoon. Agreed that instead of the 1st of 8br., It should be made y^e 20th of 7br.

POST MERIDIEM, Ho. 4ti, Iidem.

The Speaker, with the whole assembly, waited on the Governour in y^e Council Chamber, & being all sate, the Governour informed them that he must now put an End to the present session, which he would do by passing the Bills that were prepared. But proceeded to acquaint them, that in the Bill provided for the support of Government, there was one thing which he Could not approve of, viz: That one moiety of the money Raised for the service of the Publick was left intirely at the disposal of the assembly, without any regard to the Governour, that as the assembly could raise no money without the Governrs. Consent, so it is unreasonable that they should have the Intire disposal of it without him, when raised by his authority, that no assembly ought to have a fund in their own hands to convert to such uses as they should think fitt, & therefore he desired he would amend it. The Speaker represented, that tho' what was proposed might be very reasonable, yet as y^e Bill was past by the House, so they could not alter any thing in it without a vote, wch they could not properly do here.

The Governr. proposed to leave the Council Chamber to them, & adjourn for sometime, which was done.

A message from the Speaker acquainted the Governour that the House was ready to wait on him, & had left the Council Chamber.

The Governr. & Council coming to the Board, the Speaker represented to the Governr. that the House had Largely debated the matter proposed to them, & had upon a vote come to a resolution to pray the Governr. to pass the Bill without any amendment,

Upon which the matter was resumed, and the Case being more clearly stated, It was agreed, that the assembly should have no power to dispose of any of y^e sd money, but for discharge of debts now incumbent on the Province, & for y^e necessary Charges of their own house, and that in all other cases the Governrs Concurrence with the assembly should be required.

All the Bills prepared this session being Ingrossed & Examined by yᵉ Comittee appointed by the assembly were Laid in order, & being severally presented to yᵉ Govr. he passed into Laws the following 50 Acts, viz:

1. The Law for Liberty of Conscience.
2. An Act against murder & manslaughter.
3. An Act against Burglary.
4. An Act against Robbing & Stealing.
5. An Act to Restrain People from Labour on the first day of the Week.
6. An Act against Rape or Ravishment.
7. An Act against Incest.
8. An Act agst. Adultery & Fornication.
9. An Act against Bigamy.
10. An Act against Sodomy & Buggery.
11. An Act against Burning of Houses.
12. An Act against Drunkenness & drinking of Healths.
13. An Act against riotous Sports, Plays & Games.
14. An Act against Riots & Rioters.
15. An Act Limiting the Presentmts. of yᵉ Grand Jury.
16. An Act for determing of debts under forty Shills.
17. An Act for yᵉ further securing yᵉ administration of yᵉ Governmt. of this province.
18. An Act for the better Confirmation of the Owners of Lands & Inhabitants of this Province in their just Rights & Possessions.
19. An Act concerning yᵉ Probates of written & nuncupative wills & for Confirming Devises of Lands.
20. An Act directing the Order of Payment of Debts of Persons deceased.
21. An Act for the better settling of Intestates Estates.
22. An Act for yᵉ Acknowledging & Recording of Deeds.
23. An Act to ascertain the number of members of Assembly, & to regulate the Elections.
24. An Act for selling Beer & ale by wine measure.
25. An Act for the more Easy & Effectually Collecting of the Proprietrs. Quittrents.
26. An Act about Departers out of this Province.
27. An Act for the Better Improving a Good Correspondence with the Indians.
28. An Act about attachments.
29. An Act for the Tryal of Negroes.
30. An act to prevent yᵉ Importation of Indian Slaves.
31. The Law about 7 Years quiet Possession.
32. An Act for the killing of wolves.
33. An Act against mixing & adulterating strong Liquors.
34. An Act for mariners not to be trusted.

35. An Act for County Seals & against Counterfeiting hands & seals.

36. An Act for Defalcation.

37. An Act for Bailing of Prisoners & about Imprisonment.

38. An Act for taking Lands in Execution for Payment of Debts.

39. An Act about arrests & making Debtors pay by servitude.

40. An act for the Relief of the Poor.

41. An act for Confirming the sales of Lands by Attorneys or Agents for ascertaining ye Proof of ye Instruments or writings made out of this Province.

42. An Additional act for ye better preserving the highways.

43. A Supplementary Act to that about raising County Levies.

44. An Act to prevent ye running of swine at Large.

45. An Act for Collecting the arrears of Two thousd. Pounds, granted to ye Proprs.

46. An Act directing ye Qualifications of all magistrates & officers, as also ye mannr. of giving Evidence.

47. An Act for regulatg. Elections of Sheriffs & Coroners.

48. An Act for the better Proportiong. of ye Rates of money in Payments made upon Contracts according to the former Regulations.

49. An Act for selling the Old Courthouse & Buildg. a new Court house & Prison in the County of Bucks.

50. An Act for Raising a Supply of Twopence half penny per Pound & ten shilling per Head.

Also for Granting an Impost & laying on Sundry Liquors & negroes Imported into this Province for the Support of Governmt., & defraying the necessary Publick Charges in the Administration thereof.

At a Council held at Philadelphia, the 6th Febry., 1705.

PRESENT:

The Honble. Lieutenant Governr.

Edward Shippen,
John Guest,
Samll. Carpenter,
Thomas Story,
James Logan, Esq'rs.

Wm. Trent,
Geo. Roach,
John Hill,
Joseph Pidgeon, Esq'rs.

An act having been past by the last general Assembly held for this Province, Intituled an Act for Collecting the arrears of two thousand Pounds granted to the Proprietor, which act Impowers the Governr. & Council to appoint Persons to collect the said arrears. It was proposed by the Governr. to the Board to Consider who may be the proper person to Collect the arrears in the County of Philadia. and the Question being put, It was the opinion of all the Council that the High Sheriff of the said County, for the time being, is the only proper person to undertake that Business, & that accordingly he should be injoyned to proceed to collect the said arrears upon the Penalties in the said act Expressed, and it is Ordered that Benjamin Wright, the sd. High Sheriff, be forthwith informed hereof.

Accordingly the said Benjamin Wright being sent for, was served with the above minute, and Ordr. under the Secry's hand & Province seal, and being required to give his answer, He declared that the principal and best part of the said Tax being already gathered & reced. there will little remain but what will be so extremely difficult that it will engage him in many Contentions with his Neighbours, much more to the Prejudice of his Trade and Business, on which his Chief Dependence must be, than any thing that his Office can afford him will be to his advantage, and being prest to give his positive answer about it, He therefore declares that upon what he had considered of the matter before since a Copy of the Act was first presented to him for the same End he finds he cannot undertake it, & will rather submit to much greater penalties than are laid in the said act.

The Governr. informed him that there would be no medium between his proceedg. according to the Directions of the act and the forfeitures in the act Exprest, and he must be positive in his answer, the Consequence would be a fine of Ten pounds and loss of his Office.

The Sheriff again declared he was sorry he was under Circumstances that rendered him uncapable to answer the Expectations of the Governmt. but whatever y^e^ Penalties were he must submit, only he requested the Governr. that if he lost his office, that might be taken for a sufficient punishment, and the other fine might be remitted, but his office and all the rest he submitted.

And the Governr. declaring the sentiments of the Board in his favour, informed him that he should not be wanting in Shewing him any favour that lay in his power, but that seeing he had rendered himself obnoxious to the Law, and there would be a necessity to appoint Some person to proceed in all the Business that might be Expected from a Sheriff, the Place must be filled accordingly, and the said B. Wright withdrew.

Orderd, That seeing it lies in the Governrs. breast to appoint whom he thinks fit to be Sheriff in the said B. Wrights place, the Sheriff next appointed by the Governr. shall be and is hereby appointed to collect the said arrears upon the Penalties in the sd. act Exprest.

Thomas Story present master of the Rolls observing to the Board that by a late Law it is required that the master of the Rolls shall keep a Publick Seal for his office, to be affixed to such Exemplifications as shall be given out by him, desires the opinion of the Board what seal may be most proper for that purpose, and that it may have y^e^ authority of this Board to Establish it, at the same time exhibiting some Draughts that he has thought of for that purpose.

Ordered, that an Escutcheon, with the Proprs. arms & two Rolls in the upper Division, wth one in the Lower, shall be the Seal to be used in the said office, and then adjourned.

At a Council held at Philadelphia, the 20th Febry., 1705.

PRESENT:

The Honble Lieutenant Governr.

John Guest, Griffith Owen,	Esq'rs.	Thomas Story, Willm. Trent.	Esq'rs.

The Governour acquainted the Board, that the act for a supply past last session of assembly, being defective in several parts, He therefore thought it necessary that the same should be taken into Consideration, which was accordingly done, and the several following Remarks upon the Deficiencies of the said act were made, & agreed to by the Board. The Clause following, Vizt:

And for Every Pipe of wine imported directly from the Place of Growth, or by way of the said Counties or Jersey aforesaid, in vessels not owned as aforesaid, shall be paid forty shillings, whereby any Vessell, either from New England or any other place, may come into this River and make a pretended Sale of her Wine, on yᵉ other Side of the River or below on this side, and thereupon the persons pretending to have bought the same, may Import the same Wines from thence into this Province, paying only the said forty shillings per pipe, which plainly Eludes that Clause of the act, Enacting that all vessels Loaded with Wine, not coming directly from the Place of Growth, and not wholly owned by Inhabitants of this Govermt., shall pay four pounds; This is to be Recommended to the House in Ordr. to be amended.

In the Clause allowing a Drawback to the Importer upon the Exportation of Wines, Rum, &c., Six months after Importation into this Province, if by Good & sufficient Evidence it appears the Duties at the Importation have been paid, The Onus probandi ought to have been Expressly mentioned to lye upon the Importer, as is usual in such Cases.

There are several Places in this act, wherein it is mentioned that Security shall be given, but no Penalty upon a Refusal to give the same, the want whereof renders those Clauses of no Effect. Moreover, it ought to be mentioned Whether the security shall be by Bond, double or single, in what sum & to whom to be made. In the Clause Impowering the officer to give an attestation to the Retailers of Wine, Rum, Brandy, &c., upon their rendring the said officers an account of the Quantities they have sold. The form of the attestation ought to be inserted Word for Word, the same being usual in all acts of Parliaments, in the like Cases, and also after the Words Three, Six or Twelve months. It will be proper to add, (and oftner.)

In the Clause concerning the selling Wine under a Gallon, without a License, the Penalties are Expressed as follows, vizt: For the first, & every other offence after Conviction, 40 Sh., and for the next offence after Conviction £4, & for the third & Every Offence after, Ten pounds; One half to the Proprietr. & Governr. for yᵉ Support of Government, and the other half to him or them that shall sue for them: The Penalty for the first & Every other offence is directly inconsistent with yᵉ following fines, & ought to better explained.

In the said Act, any person selling wine &c., under the Quantity of five Gallons, without giving security and Obtaining the Governrs. Officers Permit for the same, shall forfeit for every Offence 40 Sh.: It would Effectually prevent such Retailers if the Penalty was greater.

The words (as He shall require) Expressed in the Clause, requiring the officers to render a true account to the Treasurer, are not intelligible as they now stand, which ought to be amended.

WhereEver the Words (County Court) are mentioned in this act, there ought to be added to the same (Common Pleas) for the Quarter Sessions in this Province, is also a County Court.

Ordered, that Doctor Owen carry the said Remarks to the House, but he not being in Town, the same was carried by Mr. Story, with the following written message from the Governr.

Those amendments are only designed to point out to the House those particular parts of the Law, (some of which are known Experimentally to be too weak,) that require strengthning. It being the act for a supply, Therefore intirely to be done by your House, & without its being amended forthwith, The Officers Concerned in the Execution of it must struggle thro' many difficulties, which a small supplementary act would remove.

It was then proposed to this Board that the House should be moved to prepare an address in the name of this Province, to be presented to her majesty, which hitherto had not been done, & yᵉ same was unanimously agreed to, as being a duty incumbt., & another to yᵉ Propr.

At a Council held at Philadelphia, the 21st Febry., 1705.

PRESENT:

The Honble Lieutenant Governr.

John Guest, } Esq'rs. Joseph Pidgeon, Esq.
Thomas Story,, }

Judge Guest and Mr. Story were sent to the Assembly with a message, Importing that it was the Governours Opinion it would be highly necessary for them to address Her Majesty as also the Propry. and to send the addresses with the Laws.

February the 22d Day.

PRESENT:

The Honble Lieutenant Governour.

John Guest, } Esq'rs. Joseph Pidgeon, Esq.
Wm. Trent, }

The Governour acquainted the Board that a message was brought him by Richd. Hill and Reece Thomas from the House of Assembly, acquainting him that y^e House having Considered the Proposals made for a supplementary act to the supply Bill, find that some other Laws may also need Amendments or Explanations, which, with what it proposed will take up more time than at present can Conveniently be spared, & tis believed that neither the Difficulties of putting that act in Execution, nor any other Inconvenience for want of amendments are so great that any Evil Consequence can accrue from them.

That the House had prepared an Humble address to the Queen, & another to the Proprietor, on such matters as they Conceived it their Duty to represent, which they hoped to send to England with Expedition, & return thanks to the Governr. for minding them of the same.

They further request to have the Objections made at the Council Board against y^e Bill for Qualifications of Officers, and desire to know what measure the Governour intends to take about transmitting the Body of Laws to England in Order to be Confirmed, & that the Governr. will be pleased in his address to y^e Queen & ministry, favourably to recommend them and their proceedings as a faithful Loyal People to y^e Queen, & truly loving & respectful to the People & y^e Present administration of Governmt., & lastly, that the Governr. will Order the Body of Laws to be forthwith recorded in the Recorders Office, as the Charter directs.

COUNCIL BOOK, BEGUN A. D. 1706.

Kept by me and my Deputies, Robert Assheton and his son Ralph Assheton. James Logan Cler. Council.

At a Council held at Philadelphia, y^e 19th March, 1705-6.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieutt. Governour.

Edwd. Shippen, } Esq'rs. Willm. Trent, } Esq'rs.
Samll. Carpenter, } Richd. Hill. }
Thos. Story, }

Upon reading a petition from the Inhabitants of the Town and

County of Chester, Requesting this board to appoint some proper persons to lay out the Queens Road on as Direct a line as may be from Darby to answer the bridge on Chester Creek; It is ordered that the said Road be laid out accordingly, And if there shall be occasion for building a bridge over any Navigable Creek or water, for the greater Conveniency of Travelling the said Road that such Bridge shall be so built that the same may in no wise hinder any Boats from passing either up or down such Creek or water, And it is further ordered yt Jasper Yeats, Caleb Pusey, Jeremiah Collett, Robert Barber & John Hendrickson, or any four of them, do survey and lay out the said Road, and that they return as soon as they can to this Board under their hands & seals, an Exact draught setting forth the severall Courses thereof.

At a Council held at Philadelphia, ye 3d April, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Governour.

Edward Shippen, John Guest, Samuel Carpenter, Thomas Story, Griffith Owen, } Esq'rs.	Samuel Finney, James Logan, William Trent, Richard Hill, Jos. Pidgeon. } Esq'rs.

The Governour acquainted the Board That this Council was now called at the special Instance of a particular member of it, that the business chiefly related to the Commissioners of Property, but it was desired that it should be also at a Council as relating to the Government, and further proceeded to inform the board, That the member was the person chiefly concerned in the Judicial power that he had an expectation given him of some satisfaction to be made him for his services for the time past by a salary, and now desires to know whether it shall be continued for the future, and refers to Judge Guest, the party concerned, to speak further for himself.

Judge Guest further enlarged upon what the Govr. mentioned, and desired that it might be settled here, whether he should have a certain assurance & Dependence upon the same salary of one hundred pounds per annum, for the future, to be continued to him by the Commis. of Property, or otherwise, which he was to have for his last years services, or if that should not be continued, he desired he might be told so, and he was very ready to lay down.

The matter being largely discoursed, it was the opinion of the board, that the Office of Chief Justice in this Govmt. ought to be attended with a salary, but that it could not be thought reasonable that the Propr. should support the Charge out of his Demesnes, nor yet that the Govr. should pay it out of what belong'd to him, but that the most proper measures should be thought of for raising such a salary, or finding sufficient Encouragement for the future, But that for the time past whatever had been promised, the Judge ought to be performed.

James Logan, Receiver Genl. under the Propr., in his behalf, informed, That the Propr. in April, 1701, promised Judge Guest One hundred pounds per annum for his services, which salary he threw up again at the Proprs. Departure; that after this Judge Guest had frequently applied to the Commrs. to consider his services in some favourable grants of Lands that he had occasion for, which they did as far as they could well venture, but coming at length to a Resolution to grant no more; Upon the present Governours pressing instances, he (the said Receiver) had, in March, 1704-5, engaged to allow the Judge after the rate of One hundred pound per annum, till the business could be better settled, but that some Letters arriving here directed to D. Lloyd, J. Moore & I. Norris, which were shewn to the Commrs. the tenth of July last, He (the said Receiver) acquainted the Govr., that from thence forward he could stand obliged no longer to the Judge, being resolved to wind up all the Proprs. affairs in his hands, and desired the Govr. to inform the Judge of the same, & added, that the fifty pounds for which the Judge had a bill on him was answered by acct.; that the Grants made him of Lands were over and past, that for the Engagement of One hundred pounds per annum, he was also ready to make good from March to July & no longer, that he could never render himself any satisfactory reason for what he had done of this kind, but hoped that the other three Commrs. would Justify what they had done, & the Govrs. authority on which Chiefly he relied would screen him from the Proprs. displeasure in the other. The Govr. acknowledged that what the said J. L. had spoke of his Engagement, & of his discourse upon the arrival of the said Letters was true, and that it was equally true He (the Govr.) had also acquainted the Judge with it, and that what he had promised he was ready to make good. It was then, after much discourse proposed, as it had often been mention'd, that as there ought to be some Consideration for the Judges Services in that Post, so it should be left to the assembly, in whom chiefly it lay to make a suitable Provision.

The Judge declared that he expected his salary of One hundred pounds per annum to this time, from whose hands soever it should come; that he could depend upon the Govr., But would not upon any other Board or power in the Govmt., upon which the whole ended.

A Petition from Peter Evans, Dep. Regr. for the Probate of Wills, &c., was read, shewing that the Petitioner, being upon acct. of his office obliged to attend the Orphan's Court, in the several Counties, had accordingly done so for several Courts past, & there filed the Petitions exhibited into, & entered the Orders made thereupon by the said Court into Books, &c., but that by the great former neglects of the said Court, he could neither by Custom nor Precedent, demand any fees for his trouble & service, & therefore prays that this board would ascertain & appoint such fees for filing and Registing such Petitions & orders as should be found reasonable.

Ordered that the Petitioner prepare against the next sitting of the Council a List of such fees as he would desire and think reasonable to be annexed to his office, and that at or before the said Council a Clause be prepared to be inserted in the Law for establishing Courts to give the Power of establishing fees not settled by law to the respective Courts concerned.

A petition of Henricus Vandike of the County of Bucks, was read, shewing that the Petitioner was possessed of a Tract of land in Middletown, in the said County, through which a great publick Road to the falls was carried for the whole length, but so obliquely that it thwarted his said Tract three several times, & thereby cutt it into several irregular pieces, which he is forced to fence in distinctly to his great Damage, &c.

Therefore prays that the said road, having never hitherto been regularly laid out, may be Ordered to be laid out through his said tract de novo, so as to run along one side of his said land, which will be found altogether as convenient for the Inhabitants and much more Commodious to the Petitioner, &c., & thereupon a Draught of the Land & Road was presented.

Ordered that Jeremiah Langhorn, Thomas Stackhouse, John Stackhouse, Thos. Beanes, William Hayhurst, & Robt. Heaton, Junr., view the said Road & alter and lay it out as the Petitioner Requests, if it may be done without any inconveniency and the place thro' which the Road is desired to pass, prove equally commodious to travellers, and that the Petr. cutt clear & make good the new Road at his own cost & charge.

At a Council held at Philadelphia, y^{e} 17th April, 1706.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Governour.

R. Mompesson,
E. Shippen,
Thos. Story,
Griffith Owen,
Capt. ffinney,
Esq'rs.

James Logan,
Jasper Yeats,
William Trent,
Richard Hill.
Esq'rs.

The Govr. acquainted the board that the Propr. had by Judge Mompesson sent over his warrt. directed to Coll. Hamilton, to pass a Commission under the great Seal, constituting the said Gentleman chief Justice of this Govermt., but that Coll. Hamilton being deceased before his arrival, it could not then be done, and it has been to this time deferr'd, but that at length the said Judge has been pleased to accept of it tho' the present encouragement be but very slender and no way inviting, yet it may be reasonably hoped since the Country has now made some provision for the support of Govmt., they will not fail likewise to provide for the administration of Justice in the Courts, & Especially take care to lay hold on so good an opportunity offered them.

Upon which the Govr. Ordered a Commission already prepared, appointing the said R. Mompesson, Jos. Growdon, Jasper Yeats, Samuel flinney, & William Trent, Provincial Judges of this province & the lower Counties, & Constituting the first named Judge Chief Justice, to be read, which being done the said Judge not having been in Commission for this place before, took the Oaths of fidelity to the Queen with the other usual Oaths, as also that of a Judge for this Govmt. according to an order of the last Council. Peter Evens Exhibited a Table of such fees as he thought were reasonable to be allowed him in his office, which was approved of By the Board, But the law for Establishing Courts being Consulted, it appears that it belongs wholly to the respective Courts themselves to establish their own fees, to whom 'tis Ordered that the said petition & Bill be recommended.

At a Council held at Philadelphia, ye 3d May, 1706.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Governour.

Roger Mompesson, Edward Shippen, Samuel Carpenter, James Logan, Esq'rs.	Jasper Yeats, Richard Hill, Willm. Trent, Geo. Roche. Esq'rs.

A Petition of James Gould, master of the Sloop Hopewell of Boston in New England, now under seizure in the Port of Philadelphia, was read, exhibiting, That the Petr. Sailed from Boston with the said Sloop in March last, bound directly for Salem in West Jersey and Philadia., with due Certificates for the goods on board; that the Collr. of Salem, vizt. Capt. Jewel, being dead, he applied himself to Coll. Ingoldsby Lieut. Governour & Jeremiah Bass, secry., who entred & Cleared the said Sloop by a permit under their hands, leaving a blank in the Clearance for the said Master to fill up when he had landed, what goods he should there put on Shoar, and then to proceed to Philadia. where upon the arrival of the said Sloop, John Moore the Collr. Seized her with the Papers, Clearances, Register & permitts to the said Vessel belonging, but for what reason he cannot learn. Wherefore he prays the Consideration of this Board in Ordr. to a Discharge or Issue to prevent the Petitioners utter ruin, &c.

Upon which the Collr. of this port, John Moore, Esqr., was sent for & the sd. Petition read to him, and he was thereupon desired to shew for what Cause he had seized the said Sloop; accordingly he informed the Govr. that it was for want of a Certificate for the Goods he had on board, the Certificate he produced being forged or false.

Ordered, That the said Collr. take Care that the Libel against the said Vessel be forthwith filed with the Register of the Admty., And that the Court of Admty. proceed as soon as possible to the Trial.

At a Council held at Philadelphia, ye 14th May, 1706.

PRESENT:

The Honble. Coll. JOHN EVANS, Lieut. Governour.

Edward Shippen, Samuel Carpenter, Thos. Story, Griffith Owen,	Esq'rs.	James Logan, Jasper Yeats, William Trent, Capt. Roche.	Esq'rs.

The Govr. laid before the board a letter of the 11th instant he had just now reced. by Express from Coll. Seymour, Govr. of Maryland, upon acct. of which he had summoned this Council, Which Letter imports that a vessel from Lisbon came in there the day preceding, viz. the 10th, who gave an acct that about three leagues to the Nwd. of Virginia Capes, she was chased four hours by two french Privateers, who fired many shott at him, but night coming on he escaped, also that he saw seventeen sail of Sloops & some Ships & Brigantines standing to the Nwd., that the said Govr. thought fitt for her Majesty's service to give this Information, as he had done to the Govmt. of N. York, &c., Upon which the Govr. desires the Board to consider and advise what is fitt to be done at a time of such danger, when the Country lies so open and naked.

And the Condition of this Province in Relation to Defence being largely argued, and the profession of a great part of the People, which disables them from bearing arms, being also considered. It is Resolved, Notwithstanding by the Govr., and such whose profession allows them to use arms; That all measures that are Practicable be taken to put the place & people in the best posture of Defence, & thereupon Ordered, That a Proclamation be Issued forthwith, requiring all persons who have arms to fitt up and put them in Order, and such as have not to furnish themselves without delay, with fire arms and ammunition, and that Capt. John ffinney, Samuel Holt, Thos. Grey & Thos. Andrews, do immediately, after publication of the said Proclamation, go to every house in Philada., & fully examine, search, and take an acct. in Writing, of what arms & ammunition every person has in their possession, and in what order & condition they are; also, that a general Muster be forthwith Ordered throughout the province.

At a Council held at Philadelphia, y^e 15th 3 mo., 1706.

PRESENT:

Thr Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
John Guest,
Samuel Carpenter, Esq'rs.
Thos. Story,
Griffith Owen,

J. Logan,
William Trent,
Capt. Roche,
Joseph Pidgeon.

A Petition of Joannes Koster, and about 150 other high and low Germans, to the Govr. and Council was read, setting forth, that the Petrs., with many other aliens to the Kingdom of England, by the Encouragement of the Propr. had Transported themselves into this Province, & by their Industry had changed the uncultivated Lands they had purchased into good settlemts., & for Twenty two years past had behaved themselves as Liege & loyal subjects of England, that above 60 of the said Petrs. at one time, viz: the 7th of y^e 3 mo., 1691, had in open Court, promised allegiance to K. William & Q. Mary, & fidelity to the Propr., besides many others who had done the like, &c., that such as have not already obliged themselves are ready to do it when they shall be admitted. They therefore request, that (seeing they are not at present believed to be secure in their Estates,) for remedying the unhappiness they may be engaged in, if they be still considered as foreigners, the assembly may be convened with all Convenient speed, & a Bill recommended from this board for naturalizing all & every of the said Petrs., that they may have an undoubted right to hold, enjoy, alienate, sell & dispose of any of their Lands, as the natural born subjects of England may or can do in this Province, & also that they may be capable of Electing & being elected, to serve in Assembly & other Offices; also, that some of the Petrs. being Mennists, who (with their Predecessory for above 150 Years past,) could not for Conscience sake take an Oath, the same provision may be made for them by a law, as is made for those called Quakers in this Province, and that the said Law may be sent home with the rest, past by the late Assembly, in Order to obtain the Queens Royal Approbation.

Which Petition being argued and Considered, It is Resolved, that it is highly reasonable the Petrs., and all others in their Circumstances, should be rendered Secure in their Estates and Titles to their Lands in this Province, the value of which is generally, but the effect of their own labours, and in pursuance of some parts of the prayer of the said Petition, leave is given to the sd. Petrs., to procure the attorney Genl. to draw up a bill for that purpose, to be laid before this Board, where it shall meet with all due Encouragement.

At a Council held at Philadelphia, y^e 27th May, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Governour.

Edward Shippen, Saml. Carpenter, Thomas Story, Esq'rs.
Griffith Owen, William Trent, Esq'rs.

The Govr. acquainted the Board that he was obliged very speedily to leave the town for a few days, before which he thought it advisable to Call this Board, in order to advise of what may be necessary to be done for the preservation of these parts of her Majesty's Dominions in so dangerous a time when all the English Colonies are so apparently threatned, in Order to which he thought it his duty, after the Example of the rest of the neighbouring Govmts. forthwith to Call the assembly together, to make provision by a law for the defence of the Place.

It was moved that there might a full Council upon debating a matter of such Importance, there being but one member present besides such as were called Quakers. In answer to which, the Govr. informed the board that all those members of Council in a Body, that are not Quakers, had last week addressed him for this very purpose, & that tho' he should be glad to have had a fuller Council, and those Gentlemen present, yet as he knew their Sentimts. by that address, it might not be altogether so necessary to desire them again.

Severel Objections arose, and the matter was debated, but at length it was Resolved by the opinions of the Whole Board, that the Consideration of it should be adjourned to the Govrs. Return, which upon this occasion he designed should be in three days time, & therefore adjourned the Board till next 6th or friday morning.

At a Council held at Philadelphia, y^e 1st 4 mo., June 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Samuel ffinney, Caleb Pusey, James Logan, Esq'rs.
Jasper Yeats, William Rodeny, William Trent, George Roche, Joseph Pidgeon, Esq'rs.

The Govr. Ordered the minutes of the last Council to be read, and desired the advise and Opinion of the Board upon the subject, being called for that purpose viz: to Consider whether the Assembly ought not forthwith to be Called.

All those members not Called Quakers seem'd of Opinion that it was incumbent on the Govenour to call the Assembly together with all speed, in order to provide for the safety of the Place.

To which the other members objected, That seeing it might be taken for granted that the Assembly when mett, could not, because of their Profession, (being all such as are Called Quakers excepting one member,) be concerned in any thing that tended to the bearing of arms, the Calling of them together for that end could be construed only as a Design to gett their Refusal, it would be to no purpose to attempt it, unless their Refusal was really the thing that is desired.

It was further pressed by some of that side, that seeing thee Assembly when Called must either act as desired or refuse, and their refusal from the proof they gave in the late alarm in not joining at all with the rest in Bearing arms might be depended on, it should therefore be Considered what step was next to be taken, which Consideration as much concerned this Board as the first step, Viz: whether an Assembly should be called or not.

To this it was answered that to presuppose they would not act, was to anticipate their Resolution, and that since it will be thought necessary by the Govmt. in Engld. that the Assembly should make some provision for a Defence, if any Damage should ensue, which might too Justly be feared, the blame could not be properly placed to their acct. unless they were tried, and that it was necessary the better to clear the Govr. in case such Damage should ensue, that the matter should be laid before them, and upon their Refusal it would plainly appear where the fault lay, and then the way would be clear to apply for Redress. And the whole subject being largely debated, The Govr. put the Question to the Board, whether the Assembly should be called or not; those who are not called Quakers all gave their Opinion that it was necessary for the Govrs. Security in the Case that an Assembly should be called. But the others insisted on it, that the only consequence of calling them would be to expose them to blame without producing any effect as to the thing desired, that the assembly were the Representatives of the people of this Province to whom, and to the Constitution of it, as settled by Virtue of the Powers granted to the Propr. by K. Charles ye 2d., a due regard ought to be had, and that these Proceedings were only steps to overthrow that Constitution, and bring in a Change, which could not be done with Justice to the Propr. and the first settlers of the place. Whereupon the Council adjourned without coming to any Resolution.

At a Council held at Philadelphia, ye 6th, 4 mo., June, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut Govr.

Edward Shippen, Samuel Carpenter, Thomas Story, Griffith Owen,	Esq'rs.	James Logan, Richard Hill, William Trent.	Esq'rs.

The Chiefs of the Conestogoe, Shawanois and Ganawense Indians upon Susquehannagh, being come to town, in Order to Confer with this Govmt. about publick affairs relating to them, they were all seated in the Council Chamber, Indian Harry being Interpreter.

The Secretary not having done it in Council before, gave the Board an acct of his message to the said Indians, in October last, undertaken by Order of Council, upon the Repeated Reports we had of great uneasinesses among the Indians, by reason of y^e Ganawense, who had fled from Maryland, as follows, viz:

That in Company of some persons from Chester, viz: the Sherif & Clark of that County, and the Sheriff of New Castle, Hercules Coutts, Hermannus Alricks, with Edward Shippen, Junr., & others, being ten in number, he carried thither some English Goods for a present, and at Conestogo as the Chief place he first treated with them, telling them, (according to the minutes then taken,) That he was come from the Govr. of Pennsylvania, who had always been a friend to all the Indians within the Bounds of it. That Governour W. Penn, since first he came into this Countrey, with all those under him, had always inviolably maintain'd a perfect Friendship with all the natives of this Countrey, that he found Possess'd of it at his first arrival.

That when he was last in the Countrey he visited those of that place, and his son upon his arrival did the same, in order to cultivate the ancient friendship between ym, that he & his posterity might, after his fathers example, maintain peace & a good understanding with them & theirs.

That the Govr., who now is at Philad., & is sent over to them by Govr. Penn in his stead, would have come also and seen them, but other business obstructed, he intended it however as soon as possible he could with Conveniency.

That he, (the Secretary) with that Company were now Come, not to make any new Treaty with them, for that he hoped would be needless, those that have been already made being in full force & sufficiently strong, but to enquire of them, as our brethren, how matters stood with them, whether any thing new had happen'd among them, and whether all things were well with them in this time of open War, of which we desired a full account of them.

That Govr. Penn had often employed his thoughts how to prevent any affronts or Injuries of any kind being put upon them, and how they might the most advantageously be furnished with what they wanted from the English.

That notwithstanding all his care things had not been so well managed as desired, but that now we were Resolved to fall upon measures, more effectually to put in practice what had been so much wished for in Vain.

That the assembly of Pennsylvania, which is the great Council was now about to sit at Philada., to make necessary laws for the good of the publick, that in order to have some good Law made, also for their advantage, they were desired to send three or four of their chief & wisest men to Philada., to agree on such things as would be most proper to be past into Laws for that purpose.

That he was not willing to insist on any further particulars at this time, upon the various Reports that had been spread in the Countrey concerning them, which principally occasioned this visit, referring it till they should meet at Philadela., only he would mention two things of great Importance at the present time, & which he must lay before them: First, that they should take great care of giving ear to Malicious Reports spread and carried by ill men, for that we heard they had been alarm'd at the Christians putting themselves in arms in all these parts and mustering, the reason of this was the war with the french, and was designed rather to help than to hurt them, but as they and we are brethren each must be assistant to the other, and therefore the English took up arms to defend themselves, and the Indians also against both their Enemies.

That notwithstanding they ought all as far as posible to avoid war, for peace was most desirable, & War must be only for defence.

That we were also informed some of the Maryland Indians then among them had differed with the English there, and were afraid to return or come among the English of that Govmt. If so they might then continue among us till matters were fully settled, that our Govr. would treat with the Govr. of Maryland in their favour, but they must not quarrel wth any of the subjects of England, for we are all under one Crown and are as one people.

That these Indians then called the Piscataway Indians about five years ago when they came to settle within this Govermt. came to Philada. in Company with those of Conestogo and the Shawanois, who engaged to our Governt. for their peaceable deportmt. & Behaviour amongst us, That hitherto they had behaved accordingly, and we hoped they would continue so to do. After which he summ'd up his discourse and desired them to remember well what he had said and give him an answer at next meeting to morrow. The Secry. further informed the Board that the next day sitting again in Council with their Chiefs at Conestogoe, they made answer:

That in Consideration of our visit, tho' they were very poor, they presented us with some skins. That they could not possibly come to Philada. so soon as desired, being now late in the year, but in the spring they will all come in a body. That they did not understand what we meant by ill reports, which being further explained to them, they answered, (Viz. the Ganawense,) that some of the Virginians had much disturbed them, killed one of their men & abused several others, that being uneasie they thought it not safe to Continue there, & were now come hither where they hoped they might live peaceably, that on their sides whatever was reported they meant nothing but peace and Friendship. To which He answered that they should be safe here, and desired them not to go further from us till matters be fully settled with Virginia & Maryland, that in the mean time we would be kind to them & they should not want. They proceeded to answer that they knew not of any ill reports at present, that when they heard any they should wholly disregard them.

That he further added that he understood John Hans was building a Log house for Trade amongst them, which made us uneasie, & desired to know whether they encouraged it. To which they answered that they did not, and were desired not to suffer any Christians to settle amongst them without the Govrs. leave. They added that they desired us to trade with them and for the present to trust them, for it was very low with them. The Secry. further added that among the Shawanois, with whom their Chief abode was, he had also held a treaty to the same purpose with that at Conestogoe, & had reced. very near the same answers, that he had made them presents of Stroudwater & Indian Jewels to the value of near £20 and had reced. some skins in return, which being sold to the best advantage amounted to £6 and no more. That he left them all in a very good temper, very well pleased and obliged with the message, and exceeding friendly disposed. That he with the Company had made a Journey among the Ganawense, settled some miles above Conestogoe at a place called Connejaghera, above the fort, and had Conferences with them, which seemed wholly to compose all their apprehensions, and that he had reason to believe he left all these 3 nations in a perfect good understanding with us, of which he thought it necessary more particularly to acquaint the Board at this time, because the present Conference would in some measure be grounded upon that message.

The said acct. being ended the Govr. Ordered the Interpreter to acquaint the said Indians That he fully design'd to have seen them at their own Town before this time, but unexpected business falling in prevented him, notwithstanding he still continued his resolution by the first convenient opportunity, in the meantime he was glad to see them all here, and desired they would proceed to inform him of what they had new, or what had Occurred to their notice.

Upon which Andaggyjunguagh, the Chief of those of Conestogo, laid before the Govr., a very large Wampum Belt of 21 Rowes, with three hands wrought in it in black, (the rest White) which Belt, he said, was a pledge of peace formerly delvd. by the Onondagoe Indians, one of the 5 nations to the Nantikokes, when they made the said Nantikokes tributaries; that the Nantikokes being lately under some apprehensions of Danger from the five Nations, some of them had this spring come up to Conestogoe & brought this Belt with them, and that they had another of the same also at Conestogoe, to shew to those of the 5 Nations that were expected shortly to come down to receive the Nantikokes tribute; that they brought this belt thither, that we might also shew it to those of the five Nations who might come down this way, that they might see they had made Peace, and that we are at Peace with our Neighbouring Indians.

Much time was spent in discoursing this, as also in Conferring wch the Shawanois, who owned themselves under some apprehensions from the 5 nations, and then adjourned till morning.

At a Council held at Philadelphia, ye 7th June, 1706.

PRESENT :

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen, Saml. Carpenter, Thos. Story, Griffith Owen,	Esq'rs.	James Logan, William Trent, Richard Hill,	Esq'rs.

wth the same Indians as yesterday.

The Board went upon a further Consideration of what might be intended by the Indians in leaving that Belt here, which was left with them to be shewn to the 5 Nations when they came down that way, as a pledge given by themselves of a peace, to be kept with the Nantikokes, and therefore ought to be kept ready by them to be produced to the 5 Nations as they came to Conestogoe, which was the service the Nantikokes designed to themselves in leaving it there, but would be eluded by putting it so far out of the way as it would be if left here at Philadelphia, Which being debated for some time, and the Indians more particularly Examined about it, It was resolved at length upon their declaring, that they had another of the same at Conestogoe to be shewn to the 5 Nations, that the said Belt should be kept here according to their proposal.

The Govr. caused the late Law for improving a better Correspondence with the Indians, to be read & explained, & interpreted to them; and they were acquainted upon it, that this Govermt. took all possible care to have all matters relating to them regulated to the best advantage, that now they had made a Law to prevent any injuries to them from the Christians, and laying greater Punishments on those that should Committ them, than if they were done to the English themselves. That we had also enacted in that Law, that no person should trade with them, but such as should first have a Licence from the Govr., under his hand & Seal, upon taking out of which Licence, the persons Licensed were obliged to observe certain Orders and Regulations, that the Indians should be in no wise abused by them. That it now Concern'd them to take care among themselves, that this law should be kept in force, for the Traders coming among them could not be discovered but by the Indians, & therefore they were desired to see that it be duly observed. They then desired that only two persons should be allowed to trade with them, for that number would be sufficient, But it was answered, that they would be the more subject to be imposed on, the fewer should trade with them, and it would be their advantage, Provided that all Traders were subject to a Regulation.

They further desired that none might be suffered to go up into the Countrey beyond their Towns, to meet the Indians returning from Hunting, for they sustain Great Damages by that Practice, by being made drunk at their Return before they get home to their wives, & so were imposed on and Cheated by the Traders of the fruits of all their Labours.

Upon this they were desired to take Care among themselves that none of their people should sell anything to the Traders till they came home to their own Town, and in the Licenses that should be given for the future, the Govr. would take Care to oblige them not to go any higher into the Countrey than the noted Indian Towns, & to trade no where else.

They then presented a parcel of Deer, Fox & Raccoon skins, of about £14 in value, (according to the prices they now bear,) which they offered for a Confirmation of the Chain of Friendship between us, and desired that we might all still Continue friends and Brothers as we have always hitherto been, which being kindly accepted, and Orders given to provide goods to return them for their present, the Council adjourned.

At a Council held at Philadelphia, y^e 25th June, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr. Lieut. Govr.

Thomas Story, Griffith Owen, Samuel ffinney,	Esq'rs.	James Logan, William Trent. Joseph Pidgeon.	Esq'rs.

The Govr. having appointed the Assembly to meet Yesterday, which they did not till it was very late, A Message came from the House this Morning, to acquaint the Govr. they were met and ready to receive what he had to lay before them, to which the Govr. answered, that when the Councill mett he would send to them.

The Council being mett, the Govr. Ordered Thos. Story to acquaint the House, that he desired to be attended by the whole House immediately.

The Secry. laid before the Board an acct. of the Charge of the last treaty had with the Indians of Conestogoe, at Philadelphia, amounting on the Debtr. side to £36 2 5; on the Credr. £13 17—which makes the ballance £22 5 5, which acct. being Examined and approved of by the Board, 'tis ordered that the Treasurer forthwith pay the said Ball. out of that £50 per An. allowed by the Assembly for that purpose. Thos. Story returning, reported that the Assembly when he went was rose, but that he had informed some of the members, and they were about to meet, and would all attend the

Govr. immediately; Accordingly the Speaker attended with the House came, and the Govr. Spoke to them in the following words, Viz:

GENTLEMEN:

The manifest Danger with wch all these, her Majestie's Colonies in America are at this time Treatned from a powerful and active Enemy, has with great reason alarm'd every Govmt. round us, and put them upon taking the best measures they can find practicable for their Defence; And as this Province makes also a part of her Majesties Dominions, and is peopled wth her subjects, whose lives and fortunes are of equal concernmt. to her Majesty. I think myself obliged, in pursuance of the Trust reposed in me, as well by her most Sacred Majesty as by the Propr. to use the same care and endeavours for their safety that can be used in any other of her Majesties Govmts., otherwise I should be inexcusable now at a time especially when the Ruin of at least two of our Islands and their Inhabits. has taught us what we have to fear. Since my arrival here. Gent., I have done all in my Own power to raise & regulate the Militia to the best advantage that the Circumstances of the place would bear, but it has manifestly appeared y^t this, without the Concurrence of the whole Countrey by a Law, will not be effectual; Besides that some place of Security in Case of an attack, will be of the same necessity here that it is found to be in all other towns in her Majesty's Dominions that lie exposed to an Enemy.

That you might have an Opportunity of Considering these things, and that we might all contribute to the best of our Power to make a suitable provision after the example of the Rest of her Majestie's subjects, is the occasion of your being now Called together, the matter is of great Importance & tho' I am Sensible that with you it may carry some Difficulties with it, yet I would willingly hope that upon a close application of your thoughts, some measures may be found to render all her Majesties Subjects here, as safe and easy in point of Defence as in the rest of her Majesties Dominions.

After which the Speaker recd. a Copy of it in writing & then they withdrew, & the Board adjourned to the afternoon.

The 26th of June, four members of Assembly presented to y^e Govr. the following address in writing.

The Humble Address of the House of Representatives of the Province of Pennsylvania, Presented to the Lieutent. Govr., in answer to his Speech to the House, upon the 25 day of the Month, Called June, 1706.

May it please the Govr.:

Wee, the Representatives of the freemen of this Province of Pennsylva, in Assembly mett, having taken unto our Serious Consideration thy Speech to us on the 25 Instant, Whereby is Intimated how the danger which these Colonies are threatened with has alarmed the

Governmts. around us, & put them upon such measures as they find practicable for their defence, as thou art pleased to represent it, But we beg leave to observe, that what some of the Neigbouring Colonies, which are under the immediate direction of the Queen, & of long Standing of Great Estate, and bring vast Revenues to the Crown have found Practicable upon that emergency, As Running their Vessels as far up the Rivers as they cou'd into the Countrey, may be done here. Never the less, we understand, that in the time of the late false alarm, several of the Inhabitants of this City, when they endeavoured to secure some of their Goods, by sending them up the River & out into the Woods, were threatned to be Shott by such as pretended to stand in the defence of the place which we cannot but Resent, & Earnestly desire the Govr. may be pleased to Cause them, as well as those who Brought up the false Reports from New Castle, to be brought to Condign Punishmt.

Wee have lately Raised a Considerable sum of Money for Support of this Govmt., and to pay the Debts of this Province, which by failure of Crops the last year, and the thin appearance, this together with the Decay of Trade, Losses by sea, and great Scarcity of Money, will certainly be heavy enough for the present upon y^e^ People, many of them being poor and in Debt.

But if it were not so, we are informed, That a Regular ffortification here would Cost more than can be possibly Rais'd, Considering the Situation of this Town is between two Navigable Rivers, And open to Land Marches besides. And we hope we are not in much Danger, considering our Remoteness from the Sea & difficulty of Access. But if a proper Scituation could be found, and a ffort built, before the Country be Capable to maintain & keep it, the Consequences may prove very prejudicial to the Queens Interest & hazardous to her subjects, which probably may be the prevailing reasons, why the Queens Colonies of Virginia & Maryland, which are far more antient Settlements than Ours, have no ffortifications We know of to this day: Therefore, we hope that nothing shall prevail to Render us more Obnoxious to the Queen than our neighbours, and the subjects less secure with us than with them.

Wee find upon this short view of thy speech, that it Contains matter of great Weight, and Requires more time and Close application than our present Circumstances can well admit, In regard the season of the Year requires most of us at our harvest, upon which the Support of ourselves and families so much depends. Therefore we desire, that the Govr. would be pleased to excuse our further attendance at this time, and accept of this our present answer, & Represent us Candidly to the Queen, whose care over us as well as the neighbouring Colonies we are deeply sensible of, and shall study to approve ourselves, her faithful subjects, to the utmost of our ability. Signed by Ordr. of the House.

JOS. GROWDON, Speaker.

Upon reading of which, the Govr. sent the Secretary to the House to inform them, that having considered their address, and their earnest desires to return home, he would not detain them longer ; Since at present so little could be expected to be done, but desired they would adjourn to some day near the beginning of Augst., & for this time he should dismiss them.

At a Council held at Philadelphia, y^e 31st Augst, 1706.

PRESENT :

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samuel Carpenter,
Griffith Owen,
James Logan, Esq'rs.

Jasper Yeates,
William Trent,
Joseph Pidgeon. Esq'rs.

An Order of the Queen in Council, dated at the Court at St. James's the 7th day of febry. last past, sent over by the Proprietr. was read, in which Ordr. are recited The titles of one hundred and five laws past by the Proprietr. & Govr. & the freemen of this Province & Territories, in Assembly mett, and presented to the Queen for her Royal Approbation, who has been pleased to disallow & repeal fifty two of the said Laws and declared them to void and of no effect for the reasons rendered by the Lds. Commissioners, for Trade & Plantations & the the Queen's attorney Genl. in Engld., whose objections have also been sent over, with which Orders it being necessary that the Courts and magistrates of this Govmt. should be acquainted.

'Tis Ordered that Copies of the said Ordr. or so much thereof as is necessary be forthwith drawn out & sent to the Clerks of each County in this Govmt. respectively, who are required to communicate the same to the magistrates, and to note the said Laws that are so repealed in the Proper Margin of their Books of exemplifications of the sd. Laws, as also to note which of the sd. repealed Laws have been re-enacted since the year 1701.

'Twas moved upon Consideration of the said Repeal that it would be absolutely necessary that the Assembly of the Province should meet as soon as possible to re-enact such of the said Laws as were of importance to the Countrey and are not yet re-enacted, answering the Objections made against them by the Lords Commissioners or attorney Genl. and 'tis Ordered thereupon that the Assembly meet on the 18th day of 7ber. next ensuing.

The Govr. represented to the Board that it being of the highest importance in this dangerous time of War to maintain as far as possible a perfect good understanding with the Indians, & to Labour to preserve them secure in the Queens Interest against the machinations used by the Enemy to Debauch them from us, he had proposed to make a visit very speedily to those of Conestogoe & the adjacent settlemt. which he offered to the consideration of the Board, that it might be ordered at the publick Charge.

And the Board were of opinion that if the Governr. would himself undertake y^e trouble of such a Journey, his visit to them, since he had given them an expectation of seeing them at their own habitations, might be of service at this time, when it is of such importance to maintain a good understanding with them.

Ordered that writts be forthwith prepared to be signed by the Govr. before his Departure, for summoning the assembly to meet on the 18th day of September, before which day it was found they Cannot Conveniently leave their Countrey affairs, and then adjourned to the said day.

At a Council held at Philadelphia, y^e 19th Sept. 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thomas Story, Griffith Owen, Esq'rs.
James Logan, William Trent. Esq'rs.

Yesterday being appointed by the Govrs. Writts for the meeting of the Assembly, but there not being then a sufficient Number in town, and more Members being arrived to day. The Govr. upon notice the House was mett, sent the Secretary to the Assembly to inform them that he desired to be attended by the whole House immediately at the Council Chamber.

The Speaker, attended by the whole House, waited on the Govr. accordingly, and the Speaker applying himself to the Govr. said, that the House was now mett and ready to receive the Govrs. commands. That by the Govrs. Writts they were obliged to have mett Yesterday, but that by reason of a general meeting at Burlington, many of the members through their stay there, had not attended, & therefore they could not make a house, but that now they were ready to receive his Comds.

The Govr. spoke to them and said that upon the arrival of the Queens Order in Council repealing Several of our Laws, he was desirous to meet them as soon as possible. That had he not been under a Necessity of going to Conestogoe lately for which he found when he arrived there, that there had been very great occasion, & hoped it would prove of Great Service, he would have called them Sooner, however he resolved that he might gain as much time as possible to Call them these two days before the time they were adjourned to, at their last rising; that the business he had now to lay before them would be short, which was that having lately reced. the Queens Order in Council repealing several of our Laws, there were some of these which had not yet been re-enacted by them, that would require their immediate thoughts & application and particularly two, viz: the law for Establishing Courts of Judicature and the Law of Property, and these seem'd more immediately to require their thoughts & Care, and therefore desired they would without delay take them & what others they should judge necessary into their Consideration, and the time y^t they have to sitt being very short, he must earnestly recommend Unanimity & Dispatch to them in their Proceedings, and then the Govr. giving the Speaker the Original Order of the Queen, they withdrew.

The Gover. laid before the Board a scheme drawn into the form of a Bill to be passed into an act for establishing Courts in this Province done by some of the Practitioners in the Courts, which was read to the Board & Considered.

A message from the House by two members, viz: E. Shippen & C. Pusey. May it please the Govr., The Assembly finding it mentioned in the Queens Order that the Objections of the Lds. of Trade against the Laws that are repealed and the Reasons of these Objections were laid before the Queen, Desire to know whether those reasons have been transmitted, and if they be, they crave to have them communicated, that the house may the better know how to proceed.

To which it was answered, That there were no reasons sent over with the Ordr., that the house had the objections of the attorney Genl. before them long agoe, besides which the Govr. had receiv'd. no others except a few objections made by the Lds. of Trade, which should also be communicated. And then adjourned till morning.

27th. 7bre.

The Council not sitting in the morning, the Secry. delivered to the House, y^e objections made by the Lds. of Trade to several of our Laws.

And in the afternoon the Govr. sent to the Assembly by the Secry. the Bill for Establishing Courts, as it was drawn up by the Practitioners in the Law, and read at Council last night, desiring they would Consider the Scheme, and agree to it or otherwise as they should find Cause.

At a Council held at Philadelphia, 23d. 7br., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thomas Story, Griffith Owen, James Logan,	Esq'rs.	Jasper Yeats, William Trent.	Esq'rs.

The Govr. having reced. a paper from the Assembly containing the Resolves of the House upon the Bill for Establishing Courts, as follows, dated 21, 7bris., 1706.

Die Sabbati, 21°. 7bris., 1706.

The House having taken into Consideration the Bill Intituled An Act for Establishing Courts of Judicature in this Province, Came to the following Resolves:

1. That the Govr. or his Deputy, wth ——— of the Council, shall have power to hold a Court of Equity, wch shall have Genl. Jurisdiction over this Province, and to hear & Decree all such matters of Equity as shall Come before them in sd Court, Where the Proceedings shall be by Bill and answer with such other pleadings as are used and allowed in Chancery, with Powers to make Rules and Orders Conducing to a Regular Proceeding & Dispatch of all causes of Equity, so as such Rules & Proceedings be proper & Consonant to the Laws and Constitutions of this Province; Provided, that the Court meddle not with matters wherein sufficient Remedy may be had in any other Court, either by the Rules of the Common Law, or according to the Direction of any Law of this Province, But in those Cases to Remitt the Parties to the Common Law.

2. That the Govr. may as often as there shall be Occasion, Issue forth special Commissions of Oyer and Terminer & Goal Delivery, for the Trying & Judging of all offences wch by the Laws of this Province are or shall be made Capital or ffelonies of Death wch shall be Try'd in the County where the ffact is committed.

3. That there shall be a provincial or Supream Court of Judicature wch shall be held in each County twice in every year, And shall consist of a Chief Justice & Two or more Associates, who shall Hear and Determine all Pleas, Matters & Causes whatsoever brought before them by Habeas Corpus, Certiorari or Writts of Error.

4. That there shall be a Competent Number of Justices of the Peace in each County, who shall have Conusance of all Pleas of the Crown, and of all actions Real, Personal and Mixt, Except the said ffelonies of Death, and to award process thereupon and to hold sessions of the peace, and to do all other things pertaining to the Duty of Justices of the Peace as ffully as Justices of the Peace or Justices of the County Court have heretofore done in and out of Sessions, Provided that no Cause be removed from this Court, but where the Debt and Damage is to a pound or upwards.

5. That nothing herein Contained shall deprive or abridge the Magistrates of the City of Philadia. of any powers or Jurisdictions granted them by Charter or otherwise. Nor shall any of the sd Justices intermeddle with any matter or Cause arising within the said City which is Cognizable by the Magistrates of the said City, saving only what Causes may be from thence Removed to the said Provincial Court by writts of Error. Signed by Order of the House.

JOS. GROWDON, Speaker.

The Govr. thought fit to have the Practitioners in the Law in this

City called to give their Sentimts. upon them, and accordingly G. Lowther, the attorney Genl. for this Province, R. Assheton, Clerk of the City & County of Philadelphia, & Thomas Clark, attended; and upon a full Consideration of the said Resolves, it was Resolved by the Board that the following additions & Proposals should be made, and sent to the House for their Concurrance, Viz:

Additions to be made to the Head resolved on by the Assembly to be brought into an Act for Establishing Courts, &c.

1. Seeing the Assembly cannot agree to have a general Court, provision should be made for y^e Relief of the Subject when he dares not put himself upon that particular County where the action is Commenced, that he may have a Trial by such as he can better depend on to be unbiassed & unprejudiced in his Case.

2. It will be necessary also that there be a Power in every County to extend their Executions, &c. to the other Counties.

3. When a Cause is removed by Habeas Corpus or Certiorai before the Provincial Judges, so that the first Trial by this means comes before them, 'Tis reasonable the subject should have relief, (if he find himself aggrieved) by one Remove in this Province before he appeal to Engld., and therefore in such cases it would be proper to bring the Matter before the Govr. and Council, as indeed they ought to have some notice of every Cause that is Carried to England by appeal.

4. A Clause to be added to continue all former process. & that adjournmt., &c., made since the Publication of the Repeal of the former Law, be valid.

5. The Corporation of Philadelphia not to be Crampt in any Priviledge granted to them, Yet there is no reason their Judgemts. should be more decisive than those of the County Courts, but that the same relief may be had there as in any other of the Queens Inferiour Courts, either at home or abroad.

6. A Clause to be added, that nothing in the Act contained should abridge the Propr. from erecting Propry. Courts as in the former Act, And the Secry. is Ordered to draw over the sd. Resolves, and in the morning to carry them to the House.

The Govr. also acquainting the Board, that the same message from the House that delvd. him their Resolves, desired to know what the Govr. proposed to them Concerning the Bill of Property drawn up by them at their first sitting, and presented to the Govr.

The Secry. was Ordered, at the same time he delvd. the foregiving Resolves, to inform the House, that the mentioned Bill of Property now lay before them, that this Board having fully considered it when at first sent up by the Assembly, sent it down again with such amendments as being made to the Bill, the Govr. could agree to it, but had told them at the same time, that if they thought not, the Bill so amended sufficient, the Govr. would take care to send over Copies of it to the Propr., with all possible expedition, & so gett his sentimts. and directions upon it, being unwilling to proceed any further in a matter wholly relating to the Proprs. Property, than he himself had gone. That accordingly, Copies had been sent two several ways before the first sessions of this Assembly rose, the one by the West Indies, the other directly to ffalmouth, but that both had mascarried; 'tis supposed, having never heard of the Receipt of these Letters, that since that time the sd. Bill has remained in the House, so that further Copies of it could not be had to be sent at any time after, And accordingly the said Message was delivered.

Mercury 25th 7br., 1706. Ante Merid.

PRESENT:

The Honble JOHN EVANS, Lieut. Govr.

John Guest, Thomas Story, William Trent, Esq'rs. James Logan, Joseph Pidgeon. Esq'rs.

To members from the Assembly delvd. the answers of the House to the last Resolves of this Board, upon the act for establishing Courts, viz:

To ye 1st. The House cant agree to this.

To ye 2d. Agreed that these process be granted by the Justices of the Province and County Courts respectively, directed to the sherif of the proper County, where the party lives.

To ye 3d. Its intended that all matters be tried in the inferiour Courts before Removal.

To ye 4th. Agreed to.

To ye 5th. Its also intended that no Cause be moved out of the City Courts before Judgment first given there.

Ye 6th. Agreed to.

These answers of the Assembly being so wide from any agreement with the proposals of this Board, It was Resolved, that a Conference should be appointed with the whole House in the afternoon, to Debate the matter.

A message from the Assembly by two members, viz: Caleb Pusey and ———.

May it please the Govr: We are sent by the House, to know of the Govr. what answer he will be pleased to give to the late message from the House to himself, in relation to the Bill left with him for Impowering Religious Societies to buy & sell Lands. The Govr. answered, they should know by a message to the House, & in the meantime desired the said two members to inform the Assembly, That this Board had taken into Consideration the answers of the House to the proposals made them by the Govr. & Council, in answer to their Resolves upon the Bill for establishing Courts, & had resolved to hold a Conference with the House upon the Matter, and that three in the afternoon was the time appointed, at which time they were to acquaint the House, That they were to attend at the Council Chamber.

Adjourn'd to 3 in the afternoon.

POST MERIDIEM, y^e same as before, & Geo. Roche.

The Speaker with the whole House attended the Govr. & Council to hold the Conference ordered in the morning, to which Conference all the Practicioners in the Law that were in Philadelphia, were also called.

The Govr. at the opening of the Conference informed the Speaker and o'her members that finding a necessity to Expedite the Bill for establishing Courts of Judicature, he had caused such an one as was thought most reasonable by the Practitioners in the Law, to be laid before them. That upon the said Bill they had sent him up several Resolves which the House had come to, which Resolves had been Considered by the Board, and that other Proposals had been made by himself & the Council for additions or amendments to be made to the sd. Proposals; that they had also sent their answers to those proposals, which he perceived were so wide from the Sentimts. of this Board, that for the greater dispatch of the business he found it necessary that a free Conference should be held between the Board and the House, to adjust the matter with as little loss of time as possible.

And then all the aforementioned Papers were severally read. The Speaker acquainted the Govr. That the House was generally desirous that such a Bill should be finished, being sensible of what Necessity it was to the Countrey, But that they found it a matter of Importance, and so nearly to Concern them that they were very Cautious in acting too precipitantly; that the Chief difficulty among them was, that the members of the other Counties Could not be induced to agree that business should be brought from these Counties and generally fixt in Philapelphia; That they could not answer this to the Counties that Chose them, and they must be Careful of giving any thing away that the people accounted their Privileges; That they had agreed to the most material parts of the Bill, but could not but oppose that particular of bringing so much business from their Counties to the Town.

Those of the Council urged that the Board was not for removing any matters out of the Respective Counties to Philadia. but were for General & Common Law Jurisdiction, that all Court proceedings might be regular & uniform; that by the means proposed, viz: that the provincial Court should be equally extended over the whole Province, and have Cognizance of more causes, it would be render'd of service, whereas now 'tis of very little; nothing in Civil Cases but matters of Law upon Writts of Error being brought before it. The first article sent from this Board was particularly considered, and it was agreed to by the Board that all matters of Fact, except in some very particular Cases should be tried in yᵉ respective Counties where they arose, but it was insisted on, that there should be full room left for any Cause to be brought out of the County Courts if commenced there either before or after Trial, into the Provincial, to be heard & tried by the Judges of that Court, but in the proper County, or to be first entred in the Provincial at the election of the Plaintif.

The matter was largely spoke to on both sides, & then left to the further Consideration of the House.

The 2d being agreed to by the House required no Debate.

To the 3d it was alledged, That all matters of Equity might be brought before the Govr. & Council as proper Judges, But in matters of Law there was not that Conveniency in it, these being most fitly determined by a Chief Justice skill'd in the Law, and that it was not practised in others of the Queens Govmts. in Am'ca.

The 4th being agreed to by the House, needed no debate.

To the 5th it was urged by the Board that all the Queens subjects every where should have the benefit of Remedial Writts, and this was largely insisted on in arguing the first.

The 6th was agreed to by the House.

The Govr. at length proposed to the Representatives to return to their House and Consider fully of what they had been debated, & to bring the matter to a Result with all possible expedition, & then they withdrew.

A Petition of Benja. Chambers was read, setting forth, That he had at vast Charge, & with great trouble erected an Excellent ferry over Schuylkill, on the great Road from Philadelphia to Chester, which was rendered much more commodious by his own invention of a kind of Boats never known before. That now after all his expence & trouble, when he should reap the fruits of it, some persons were attempting to erect another ferry very near to that erected by him, which would turn to his irreparable Damage, &c., & therefore prays that the Govmt. would put an effectual stop to any Proceedings that would be so unjust & ruinous to him & his Posterity.

Together with the said Petition, there was also read the Draught of a Bill which he proposed to be pass'd into an act, forbidding all persons whatever to erect any ferry within one mile of that erected by him, so long as his heirs or assigns should keep theirs in Repair, under the penalty of Two Hundred pounds, to be paid to the said Benjamin, &c.

Ordered, that as soon as the Assembly should have leisure to proceed on Matters of that kind, the said Petition & Bill should be communicated to them, And then adjourned till morning, but the Council met not.

At a Council held at Philadelphia, ye 3d of 8br., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Jno. Guest,
Thos. Story,
Saml. ffinney, Esq'rs.

James Logan,
Richd. Hill,
George Roche,
Joseph Pidgeon. Esq'rs.

The Govr. informed the Board, that two nights after the last Conference held with the Assembly, he reced. a message from the House, by 4 members, viz: C. Pussey, Rd. Hill, D. Lloyd, & Jno. Swift, representing to him, that the House had considered what had past at the said Conference, and had spent most of their time since that in debating it, that they would have been extream glad to have been able to go through with it, being fully sensible of the necessity of it, and in general had indifferently well agreed upon what had been proposed, but they found it would require much more time to do it with such accuracy as the matter required, than they had now to sitt; that another assembly was very near at hand, who they hoped would bring it to perfection, & therefore they requested the Govr., that tho' they were very well satisfied that he had a full power to Establish these Courts by an Ordinance, yet that for the satisfaction of the Countrey where the Courts had always been hitherto held by a Law, he would defer the making of any such Ordinance till the next assembly should have time to take it into Consideration, & then they requested that that Assembly should be dismissed, which last he then granted them.

The Inconveniency of any further adjournmt. of the Courts being discoursed on the one hand, and the Conveniency of having all the Courts, & all things relating to them settled by an act on the other, It was Resolved, that the Courts should be further adjourned till the matter could be laid before the Assembly.

A motion being made, that for the greater Dispatch and for other good Reasons, a Bill should be prepared to be sent from this Board to the Assembly, at their first meeting; It was agreed to & Ordered, That a Bill be drawn up according to the several heads following.

1. That there be a Court erected in every County, to be held 4 times in every year, in which all actions & Causes may be tried except matters of Life & Death.

2. That matters of Life & Death be tried by Commissions of Oyer & Terminer, granted to the Provincial Judges or others, as there shall be Occasion.

3d. That a Provincial Court for the whole Province be held at Philadelphia, in which there shall be a Chief Justice, which Court shall be circular, & held in each of the other Counties, twice in every year if there shall be occasion, and that all Civil actions, &c., may be commenced therein, of the Value of ten pounds or upwards, as well as in the County Court at the election of the Plaintif.

4th. That all matters entred in the County Courts, except Civil Causes under the value of ten pounds, may be removed out of the said Courts into theProvincial, by Habeas Corpus or Certiorari before Trial, or by Writt of Error after Trial.

5th. That the Govr. & Council shall be a Court of Equity for all matters whatever.

6th. That all former Process shall be Continued, & former adjournmts. valid.

7th. That writts of Execution & Subpanas shall extend over all the Province.

8th. That all Practice shall be clear, plain & expeditious.

Ordered that the said heads be drawn out & committed to Judge Guest, the attorney Genl., David Lloyd, Jno. Moore, Robt. Assheton & Thos. Clark, to draw up a Bill pursuant thereunto, to be laid before this Board. And then adjourned.

At a Council held at Philadelphia, y^e 15th Octor., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samll. Carpenter,
Thos. Story,
Griffith Owen, Esq'rs.

Caleb Pusey,
Jasper Yeates,
William Trent,
Richard Hill. Esq'rs.

The Draught of a Bill for regulating of Courts was laid before the Board & being read, the Govr. desired their Opinion of the same; Caleb Pussey & Wm. Trent, on a message to the Assembly, were ordered to acquaint them that the Govr. and Council were sitting and expected their attendance. The Messengers returned with Joshua Hoops & Ezra Crosdale from the House, who acquainted the Govr. that the Assembly would wait upon him presently.

The Assembly accordingly waited upon the Govr. and presented Mr. David Lloyd as their Speaker, who desired the Govr. would be pleased to Order them to return & make choice of another person for that Office, for that he was conscious of his own misufficiency for the undertaking, the Govr. answered that he was satisfied the House very well understood their business in choosing him, & therefore he also approved of their Choice and then made the following speech, Viz:

GENTLEMEN:

Having about 2 or 3 months ago reced. from the Proprietr. an Order of the Queen in Council repealing divers of our Laws, principally for reasons given by her Majesties attorney Genl. which were laid before the Assembly last year, I thought fitt to call together that Assembly then in being on the 18th of last month to provide especially for the Establishmt. of Courts of Judicature in this Province by a Law, the former for that purpose being among others repealed.

But that Assembly finding themselves straitned in time & believing the matter to be of too high Importance to be precipitated, requested I would refer the Consideration of it to this present Assembly, and that notwithstanding, by the Royal Charter to the Propry., I stood invested with sufficient Powers to Establish all necessary Courts by an Ordinance, I would defer it till your meeting, that the Courts might rather be settled by a Law, as they have formerly been, than by any other means.

ffor these reasons I have Caused the Courts to be adjourned again, & I have further with the Council Ordered a Bill to be drawn up by the Practitioners of the Law in this place, upon certain heads resolved on by the Council, and as far as we Could find, not disagreeable to the sentiments of the late Assembly who had the matter under Consideration.

This Bill I desireyou above all other things to proceed upon with all Possible dispatch & Expedition, that the Govmt. may no longer remain in the Condition it now is under a full stop to the Current of Justice by way of Judicature, for want of the Necessary Courts to administer it. And further that while you are about so good a work you would make Provision for the Encouragement of a Chief Justice whom you will find to be of absolute necessity for the Good of the Publick. The worthy Gentleman who has already accepted of a Commission for the place will easily determine yor. choice, and there wants only your encouragement to him to make this Govmt. as happy in the administration of Justice as such an officer can render it.

What other Laws have been repealed & not Re-enacted by the last assembly will also require your thoughts & Care, & for other matters I shallgenerally leave them to your own consideration onlythat I must recommend to you to take effectual Care that all the just Deb's of the Countrey be discharged, the last Assembly have made Considerable advance towards this necessary work, but tis not to be thought they could finish it, twas fitt it should be done gradually & that the weight of the whole should not lie upon the election of one Year only, You will find upon due consideration, Gentlemen, that this is a matter that very highly concerns the Honr. of the Publick, if the Publick ffaith & Credit be Considered as in well regulated states it is much above any particular; for Injustice in the Publick is more grevious than it can be in any Private member, for this reason, that there the Law Provides relief, but there there's none but Patience under the Oppression.

I mention this Gentlemen with the greater earnestness, because the necessity of Considering it in the last assembly has brought the matter more fully in view, and tho' they have done their Part, yet they will Doubtless find some things remaining that it will be incumbent on you to provide for; One of which I must particularly recommend to you, that you would take Care to oblige each particular County in the Province, to Discharge their Debts alike, the want of which has been long a Crying Grievance in this Govmt. and particularly in this Capital County of the place. This Gentlemen having given you sufficient Instructions to proceed to the Dispatch of what I have laid before you, I am to acquaint you that to morrow morning I am obliged to sett out for New Castle, where my stay will be very short, and when I return to you again I hope I shall find considerable advances made in the Bill for the regulation of Courts, which is already so prepared as will very much shorten the work.

Unanimity is so necessary to ye Dispatch of business, That I cant forget always to recommend it to you, and hope you will use it in all yor. Consultations, & you shall not fail of my Concurrence with you for the publick Good.

Of which speech the Govr. also delivr'd the Speaker a Copy, and at the same time there was delivered to him the Draught of the Bill of Courts, prepared by the Practitioners in the Law, & approved by the Board. The Speaker desired of the Govr. in behalf of the House, free access to his person, freedom of Speech & to be protected in their Rights & Liberty, which the Govr. promised them they might be assured of, and then they withdrew.

And the Council adjourned.

At a Council held at Philadelphia, 9br, ye 14th, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Thomas Story, James Logan, Esq'rs.
William Trent, George Roche, Esq'rs.

The Govr. laid before the Board a long & tedious Bill, which he had this day recd. from some members appointed by the assembly to Deliver it, Intituled an Act for Establishing Courts of Judicature in this Province, which was read, & being found to disagree very widely from the Bill laid before the House the 15th of 8br. by this Board, and to Contain in the whole several extravagant heads which cannot be granted, and the time drawing very nigh, in which the Courts ought to be held, so that there can be but small hopes of obtaining a Law for their Establishmt. timely enough for the Courts of the ensuing term; 'Tis therefore ordered, That an Ordinance to be passed by this Board be prepared by the same practicioners of the Law, who drew up the Bill last presented to the House, agreeing in all respects with the said Bill; And that the several Clauses of the Bill now read, which this Board shall object against be drawn out, which objections together with the said Ordinance shall be laid before the House at their first meeting, with this proposal, That if they Please without delay to Pass a Bill of the same Tenour with that Ordinance, & cleared of all those objections made against the present Bill, the Govr. will agree that the Courts should be established by a Law otherwise, that Justice may no longer be delay'd, but Courts duly held to answer the exigencies and occasions of the Countrey. The Govr. will think himself obliged to establish them by an Ordinance agreeing with that draught, and that the House be required to Come immediately to a Resolution thereupon.

And then adjourned till to morrow at 10 in the morning.

At a Council held at Philadelphia, ye. 16th of 9br., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
John Guest,
Saml. Carpenter,
Thos. Story,
Jasper Yeats, Esq'rs.

Capt. Saml. ffinney,
James Logan,
Willm. Trent,
Jos. Pidgeon. Esq'rs.

The Bill for Establishing Courts of Judicature, read at the last sitting of this Board, being again Considered that the particular Objections may be drawn up, the following were made.

Objections by the Govr. & Council, to the Bill Intituled an act for Establishing Courts of Judicature in this Province.

The Act for Establishing Courts in this Govmt., Passed in the year 1701, was found exceedingly inconvenient, and was complained of by all men of understanding in affairs of this nature, who were concerned in the Practice of our Courts, & being presented to the Queen was by her repealed, to supply wch there has been an Act drawn up by Order of the Govr. & Council agreeing, as near as it could be brought to suit the Circumstances of this place with the English Establishmt., as well in England as in other parts of the Queens Dominions abroad.

The said last mentioned Bill was approved of by the Govr. & Council, & recommended to the Assembly to be passed into an act, with such reasonable alterations as they should find cause to make in it, notwithstanding the Govr. has full Power and authority, by the Royal Charter of K. Char., ye 2d of himself by an Ordinance, & without the Concurrence of the Assembly, to Establish all necessary Courts; Yet, in the Bill now presented, there seems to be no notice taken of the said Bill prepared by the Govrs. orders, nor any other Constition than the old one interpolated with additions to be offered, of which additions as there are some reasonable & for the Publick benefit, So there are others that seem very much the Contrary, & unreasonable to be expected. Particularly

Pa. 1st. There is a Provincial Court erected, for holding of which three Judges are to be Commissionated, any one of whom may hold that Court. These Judges seem to be intended principally for matters of Error in Law, wch would Require a Person well skill'd in that profession to determine, or for appeals in Equity from the County Courts. If, therefore, any on person qualified for such an office can be procured for the place, there will be no occasion for three distinct Commissioners, since any one will serve besides ; the allowance made to those Judges is only 20 Shillings per diem, a Consideration too small for any person duly qualified to accept of, for men of the Law can find much more profitable methods to lay out their skill on, and employ others to Judge of matters of which they have no Knowledge is not only to impose upon you, but to abuse the Countrey that they ought to serve.

In pa. 1st, Power is given to these Judges to grant all Remedial Writts, Hebeas Corpus, Certiorari, &c. But in Pa. 2d, This power is intirely made void, (Cases of Error excepted,) Where 'tis provided, That no Writt whatsoever Shall remove any Cause before Judgment be given, And this proviso seems to be intended so general, that there was occasion for another immediately following to preserve Writts of Error from falling in the general overthrow, Yet 'tis well known, that a Writt of Error makes but little for the Relief of the Subject, except in some particular Cases, & multiplies trials more than any other since it only reverses the Judgment at most, & setts both Parties in the same Condition they were in before trial with this difference only, that they have been at a Certain expence, but have not in the least advanced their business, & must either begin de novo or discouraged by such an expence & trouble, desist from doing themselves justice for the Judges of Error are not to Consider the Justice of the cause, but the regularity of the Proceedings. This indeed may bring more Practice into the Courts, but at the same time oppresses the subject, whereas those other Writts of Habeas Corpus, &c. which Engld. thought worth their while to purchase so dear as being the greatest Bulwarks to the subjects Liberty are intirely rejected, & those only reserved who make the most work for the Lawyers, Besides, it is directly against common Justice to oblige a free subject to be tried by one particular Court, only that may be prejudiced against him, which is no uncommon case the benefit of a Remove in such Cases is the subjects Right, & to deny it is oppression.

Pa. 1. It is not so safe to enumerate the Several Powers of the Judges, If they have the power of the Justices of the Queens Bench & common pleas in England there will be the Less danger of any cases.

Pa. 2 & 4. The Proprietr. & Govr. is invested with the Power of Putting in & turning out these Officers in this Govmt. as other Govrs. generally are in America, and it will be hard to give a reason why he should make a complement of it to any others whatsoever.

Pa. 2. The Court of Equity ought here, as in other places, to be in the Govr. & Council, unless the Govr. think fitt to lodge it in Commrs. for that purpose.

Pa. 3. This with several others of the kind, is matter of Practice, ought rather to be done by Rule of Court for then if found inconvenient by the Court who are the most proper Judges they may be altered, whereas when done by a Law, they cannot without much more trouble.

Pa. 4. Objected agst. in ob. p. 2 & 46.

Pa. 8. The granting of Licences is a perquisite of Profit belonging to the Govr. & settled by last Assembly therefore not to be they parted with, Nor does it hinder the Justices from proceeding agst. the persons Licensed in Case of Disorders.

Pa. 9. The ffines & forfeitures are the Proprietrs. by Grant from the Crown, the attempt therefore to take them from him is very inconsistent with the obligations that all the People residing in this Govmt. are laid under to him & his Heirs by that same Charter that grants them.

Pa. 9. This proviso is very unwarrantable & oppressive, in forcing the subject to a Trial before a Jurisdiction that fines at pleasure & to their own use without any room left for Relief, The Inhabitants of Philadelphia ought to be as tenderly regarded as any others of the Queens Subjects in the Govmt. & there particularly, greater care ought to be taken of Impartiality, it being the general resort of all strangers who Come to visit us, but for a time, & who therefore ought to be the more civilly treated. But further this Clause covertly gives the Corporation the full Power of holding pleas in all Civil matters which was never intended them by the Proprietrs. Grant, & it cannot be thought reasonable that the present Govr. should enlarge upon that Power.

P. 12. All writts Original & Judicial ought to Issue out of the Clerks office of the Respective Counties under the County Seal, & signed by the Clerk who is the proper officer, and not to be granted by every Justice, for this would cause great Confusion, and put a great hardship also upon the Justices themselves.

P. 16. Tho' this clause with the following Provisoes added, is a very great amendmt. to what has been formerly enacted, Yet it would be much more Just & reasonable that all persons were subject to an arrest here, as in England, & the Difference might be in the Bail, for there is scarce any thing short of this y^t can effectually prevent a person from abusing his Credrs. by fradulent sales. And that proviso where persons not worth One hundred pounds clear estate free from Mortgages & Intails shall be subject to an arrest is not sufficient to secure a debt of 2 or 3 hundred pounds, there will also several other inconviences arise from these Provisoes, which a general arrest would prevent.

P. 21. The same arguments hold against this Clause as agst. the preceding; a Debtor by this means has still more time given him to act the knave in, especially when his Lands lie in another County for there must be a fieri facias before a Capias can Issue.

P. 22. Tis directly destroys the end of the Law, & looks as if it were intended only to make work for the Courts, without any regard to doing Justice to the oppressed. A Plaintif that obtains Judgment & execution, hopes by that means to have his money, but if y^{e} Deft. can procure security, of which not the plaintif himself, but the Justices must be Judges the Plaintif is then eluded, he must take to New Debts, & if they refuse payment at the time another action ensues, and so by a Combination of a few perverse men, a Credr. may be kept out of his money for many years, (if not for ever,) to his ruine; there is little danger 'tis true, but a poor man will serve the rich thus; but a wealthy man that is maliciously bent agst. a poorer, may by this means find a handle to be his ruine; 'tis a method ('tis believed) that has scarce ever been heard of before, & would doubtless look very odd when presented at home, but were it enacted, and should the Justices be the Judges of the security it would be just, also that they should be answerable for it.

P. 23. This is already spoke to in lettr. d., besides 'tis very unreasonable that the same persons should Judge twice of the same cause, & it seems very unaccountable that this Assembly, after it was agreed to by the former, (being known to be the method practised through all the Queens Dominions in America, viz: that the Govr. & Council should be the Court of Equity,) should think, that ever the same County Justices, who before Judged of the matter in Law, should be more proper Judges of it again in Equity than they; this looks more disrespectful than is even fitt in thy place to be mentioned.

P. 25. If Officers fail in their Duty the Law is open against them, and the Govr. may Imediately discharge such as are only during pleasure.

P. 29. This is of great Consequence, & tho' formerly the Practice, here yet it ought to be very well weigh'd before 'tis re-enacted, there ought some method to be found that may give a better security than the County Courts only, for the estates of Orphans.

The whole business of fees requires a closer scanning than is necessary at this Juncture till the foregoing objections be removed, 'tis certain that if the officers in any case err on one hand, many of those here mentioned are as wide from reason on the other.

Upon the whole, 'tis proposed by the Govr. & Council to the Assembly, that if they will agree to a Bill conforming with that proposed to ym, at their first meeting, in which there may be a regular Jurisdiction settled throughout the whole Province, as in other parts of the Queens Dominions, and the Subject may have a benefit of having his Estate &c. Tried by a person of Knowledge, whose skill & experience may give the parties some assurance, that when a Cause is gain'd 'tis firm to them, & not to be overthrown by after Iniquities, as 'tis well known too many of those causes hitherto tried in this

Governmt. may some time or other be, and will further grant a due encouragement to such a person to serve the Countrey, in wch they alone will reap the advantage, & will settle the Courts of Equity Consonant to reason & Practice, as in other parts of the Queens Dominions in Am'ca., the Govr. will then readily pass it. But if otherwise, and these heads cannot be assented to, He will find himself obliged by advice of the Council, by virtue of the Royal Charter to the Proprietr., & his Commission to Establish all the Courts by an Ordinance, that Justice may no longer be delay'd, but the Currant of it be again open for the Relief of the oppressed.

And hereunto the Assembly's answer, that no more time may be lost is immediately required.

At a Council held at Philadelphia, 9br., y^e 27th, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Thomas Story, William Trent,	Esq'rs.	James Logan, Richard Hill, Jos. Pidgeon.	Esq'rs.

The Govr. acquainted the Board with a message in Writing, which he had reced. this afternoon from the Assembly, Intituled the Assemblies Answer to a Certain objection sent from the Govr. & Council, against a Bill proposed by this House, for Establishing Courts of Judicature in this Province, as follows:

The Assemblies Answer to certain objections sent from the Governour & Council against a Bill proposed by this House for Establishing Courts of Judicature in this Province.

May it Please the Governr:

1. There might be Just cause to Complain of the Inconveniencies of the Repealed Law for Establishing Courts, But we find ourselves under a great Disadvantage, because the reasons of that repeal are Concealed from us, nevertheless We have endeavoured to accommodate the Bill now proposed as near as we can to an English Establishment, & we hope if passed here may bear the scan of our superiours as well as any scheam we have seen from other parts of the Queens Dominions abroad.

2. The House as in Duty bound will pay all Civil Regards to what the Governour thinks fitt to Recommend, and we shall not object against but Countenance y^e Council in all their good advice & assistance to y^e Govr. in matters of State. But we can allow them no more authority in Legislation than the Lords of Trade seemed to do in their objections to the Law for erecting Chester Bridge. We have taken due notice of the Draught recommended to us by the Govr., and have inserted some Clauses thereof And supplied the rest in our Bill, Which with submission is grounded upon the best

Constitution we could find, to witt: The Common and statute Laws of England, And not an interpolation of the old one with additions unreasonable to be expected. We have also considered and duely weighed King Charles's Royal Charter to the Propry., and we are humbly of opinion That the Courts as now Circumstanced And the Discontinuances of all Pleas and process Occasioned by the said Repeal, with some other things which might be mentioned, cannot be revived and settled by any Ordinance without the Concurrence and authority of a General Assembly.

3. As to the Judges of the Supream or Provincial Court, We agree that they shall hold plea of Causes duely removed before them from Inferiour Courts as well as matters of Error and Appeals in Equity; But we see no Cause why they should not be Constituted by distinct patents here as the Judges in England and Wales are, for if two be absent or Indisposed the third may hold Courts which may prevent a flailure of Justice. And tho' men skill'd in the Law if of good Integrity are very Desirable, yet as the obtaining of such is a work of great Difficulty to the Continuing of them when procured will be both Chargable and uncertain, Therefore we Incline to be content with the best men that y^e Province affords, having found no Inconvenience thereby in above Twenty Years Experience equal to the Difficulties and hazards which another method may produce, and we are well assured That this Province affords men of Knowledge sufficient to Judge of matters arising in so young a Colony, And if they will be concerned in the Magistracy we shall not reckon the Country abused; And we hope they will be Content with the proposed salary, and if that falls short We doubt not but provisions will be made to support a good Magistracy, being so Essential a part of this Governmt.

4. The Bill as at first proposed gave sufficient Liberty to Remove the Body in order to be relieved against wrong and arbitrary Imprisonments, though not to gratify the Turbulent Contentions, Lewd and evil disposed persons, (as the statue describes them,) fearing to be deservedly punished where they and their offences are well known. But least there should be any Grounds left to Conclude any Check upon the Just Liberty of the Subject, We agree that Causes may be removed from Inferiour to Superiour Courts under the like restrictions as in England, which we conceive as necessary upon removalls by Habeas Corpus, Certiorari, &c., as Upon Writts of Errour. And what is objected as an oppression to the subject in the one may also be urged in y^e other, which we Intend to avoid in both by the Bill as now proposed.

5. We hold it convenient to Ennumerate what we can of the Powers of y^e Judges & Justices, To the End that their Commissions & proceedings may be reduced to as much Certainty as may be, and not left too General.

6. As Concerning the putting in of Judges, We propose as the

Governour does that he should appoint them; But that they should be displaced for misbehaviour at the Request of the Assembly is what we do insist upon as a privilege Vested in the Legislative Authority. And as to what we propose concerning Prothonotary's and Clerks, We conceive our Bill is well warranted, as well by an act of Parliament made in the first year of William and Mary, Ch: 2d, as by the Common Law; And the Statute of Westminster, the 2d Ch. 30; And the 2d of hen, y^e^ 6th, Ch: 10, By all which we find It is held reasonable That the Judges and Justices should appoint their Clerks and Officers to Enter that which the Judges or Justices do adjudge or Order, The Insufficient doing whereof makes the proceedings of the Justices Erroneous To their Dishonour as well as to the prejudice of the party.

7. That the Court of Equity shall be in the Governr. and Council as by their scheam in proposed. We hold it very Inconvenient, not because the subject should thereby be Tryed by one particular Court only, that may be prejudiced against him, without the benefitt of a Remove, as is supposed of other Courts in the 4th objection; But for that, we would have these Councillours like good sentinels and Watchmen, to Consult of the honour, safety, & Publick Good of y^e^ Province, & leave private Causes to the Justices, and for that end we propose by our Bill, that the Court of Equity should be lodged in Commissioners of the Governrs. appointing, whereby we prevent the Council here to fall into that Inconveniency, which the Council Table Did, by assuming unto itself a power to Intermeddle in Civil Causes, and matters only of private Interest between party and party. which y^e^ Parliament of England thought fitt to stop there, and from that Example we think it our Duty to oppose y^e^ same mischiefs here.

8. We hold it best to settle the practices so farr as we can by a Law, rather than leave it to be done by Rules of Court, which by the discretion of the Justices, may prove so different & Contrary, That he who is Conversant with the practices of the Courts in our County may loose his Cause in another, for want of knowing the practice there.

9. We do not find that the last Assembly settled the power of granting Lycences, but that the rates are only settled, because of the Complaints made of the excessive charge thentofore of obtaining Lycenses, but since that act pass'd, we find that y^e^ Law for granting Lycences, is repealed by the Queen, Wherefore it is Resolved by this House, that so far as the Laws of England Give the Justices of he peace there a power of granting such Lycenses, so y^e^ Justices here ought to have the like power, And we understand, That it was y^e^ Proprys. mind formerly that it should be so in this Province.

10. As to appropriating part of y^e^ fines to pay the Justices fees, our proposals therein is warranted by a statute Law of England, as well as usage of other Govmts. in the Queens Dominions. And though we are very sensible of what is granted the Proprietr. by the

said royal Charter, yet we are of opinion, that the appointing of fines and forfeitures to the Queen does not take away y^e^ right of the Proprietary, (or others to whom he granted fines and forfeitures,) to claim and to have them, But we would avoid our superiours objection on that account, which has proved very fatal to some of our Laws, And which the Proprietary, (it seems) could not solve but by a clause in y^e^ surrender.

11. We intend that the Magistrates of the City of Philadia. shall have no more power in Civil Causes than their Charter allowes them, and as to what is objected That their Jurisdiction fines at Pleasure. If it be intended thereby, That the Magistrates of Philadia. fine at pleasure, in any Case where the Law does not leave them, as well as other Magistrates to their pleasure or Discretion; We take it to be an Unjust Imputation upon them, And we are Informed, That the Law allows Magistrates of Cities & Towns Corporate in England, to set the fines wch they are to have themselves. See Ventris's Reports, 1st pt. pa. 180.

12. The House cannot agree to this alteration, because Original Writts, by a Law of this Province, (not disapproved by the Queen,) are to be granted under the hands & seals of y^e^ Justices, But that all Judicial Writts shall pass under the County seal as proposed by the Bill.

13. The House cannot agree to make all persons subject to arrest, It being contrary to an act pass'd the last assembly, Conformable to y^e^ attorney Generals opinion upon a former act of that nature; But as to the Clause for exempting persons from arrests, who have a Clear Estate worth £100, We agree it shall be omitted, and left out of the Bill.

14. We are far from intending to give Liberty for any Debtor to act the Knave, but if we can be informed by sound reason, why a man that has an Estate in Lands or Chattels, in any part of the Province, should be surprized in a County where perhaps he has no Estate, nor much acquaintance, And be shut up in prison among fellons, & deprived of his Liberty when he has enough in another County to pay, and seeks not to defraud his Crediter, and if it could be shewn that the Common Law has given any grounds for such Imprisonments in a Common persons Case, It would be to the purpose.

15. As to this objection, we think it is not well guarded, But would make our Bill Import what it does not, and puts a very wrong Construction upon our Intent what we proposed is by way of Essay to relieve those only who can make their Creditors more secure, and to Impower the magistrates to interpose between a hard hearted Creditor and an honest Debtor, & cause a Debt to be well secured that may be lost by the Debtors dying in prison, wch may be the Consequence of Confining him. Especially in hot weather, for the Sherif or Gaoler cannot allow him the Liberty of Stepping over the threshold, but He will be lyable to pay the Debt. These were the motives of this Expedient, and we have agreed upon something more

than was at first proposed, for securing the Creditors in those Cases which we desire may be duely weighed, and we hope yᵉ End of yᵉ Law will be better answered by this or some such like way of securing Creditors rather than Debtors should be stifled in Gaols which have no verge nor Liberty belonging to them, & where he that is in for debt can have no more Benefit than a felon.

16. That the Court of Equity as proposed by the Bill, gives no Colour of authority for the same persons to Judge twice of the same cause, for that matters of Equity being originally begun there, and a Clause particularly obliging them not to intermeddle with matters of Law in the said Courts of Equity, and our Bill being warranted in that point by an act of Parliamt. which gives the Judges of the Common Law Power to determine matters of Equity in the same Sessions throughout the Dominion of Wales, We find no cause to Recede from what we have already proposed in that behalf, and we think that the agreement of the last Assembly can be no ways binding upon this, unless we can acquiesce with it, and why the Governour and Council should not be a Court of Equity we have shewn in our answer to the 7th objection.

17. As for the Governours discharging these Officers, We have given our opinion therein by our answer to the 6th objection, whereunto we refer.

18. As to the Courts of Orphans, We have well Considered that part of the act relating thereto and see no cause as yet, to alter it; but if the Govr. will propose a better way for securing of Orphans Estates, we desire he would be pleased to Communicate his thoughts therein to this House.

19. As to the fees, we desire the Govr. to take them into consideration being as necessary to be scann'd & settled as the rest of the Bill, The Complaints of several persons whom we represent calling for a Regulation therein.

20. We hope that our Bill as now amended will effectually Establish Regular Jurisdiction throughout this province, tho' not Conforming in all points with that scheme proposed by the Govr. And if any further objections be made thereunto, We desire that they may be the Results of the Governrr. deliberate Consideration, And this House will readily comply with any amendment that mayImprove our scheme, and better adapt it to the circumstances of the place and Reduce the Proceedings and Practice of the Courts to a greater certainty, And not prostitute the same to the pretence or Tryal of any persons, skill and experience let his knowledge be what it will. And if our Superiours will not approve of what we shall so conclude, We will readily submit to their Correction, but if the Governr. will think fitt notwithstanding all our endeavors for a regular Establishment of Courts to make any Ordinance for that purpose without the advice and consent of the Assembly, we shall be obliged to take such measures as may be proper for own Vindication, and to discharge the Trust in us reposed by those we Represent.

Signed by Order of the House this 27th 9th Mo., 1706.

Per **DAV'D. LLOYD**, Speaker.

Which being read & considered, 'tis Ordered that an answer be drawn up to be sent to the House in the morning, And that Thos. Story, Willm. Trent, Richd. Hill & the Secry. be a Committee to draw up the said answer, which was done accordingly in the following words.

Novembr. ye 28th, 1706.

ffrom the Govr. & Council, to the Council to the Assembly, upon their answers delivd. Yesterday to the Govr.

The Govr. had hopes from the expectations given him, that the Assembly having taken so long a time to answer his, & the Councils objections to ye Bill, they would have effectually accommodated the matters in Debate, that so it might pass in good time, and the Courts again might be enabled to do Justice to the Countrey, that begins now to be much oppress'd for want of the administration of it in a Judicial way, but the House appears by this answer to be so fixed upon their own proposals, as if nothing must be effected but at the price of granting whatever they request, whether it of Right belong to them or not. It might suffice to say, that the Govr. neither can nor will by any means agree to grant away any of those Rights which Indisputably belong to the Govrs. in Chief or his Lieut., such as the putting in & turning out of officers as he shall see occasion, fines & forfeitures, & the perquisites arising from the Licensing of Publick Houses. Yet that the House may be fully satisfied that the Govr. gives their proposals a deliberate Consideration as they request. He thinks fit, with the advice of the Council, further to take notice of each particular answer, as far as they Contain any thing new or remarkable, but for the rest he refers to the former objections.

1. The Govr. knows of no concealment of the reasons for repealing the late Bill, having never heard directly nor indirectly of any that were given. But as the scheme now proposed by the House, differs much more widely from ye Constitutions in most of her Majesties Colonies abroad, & from an English Establishment, than the Bill recommended to the House from this Board, so the latter might be much more likely to be approved of in England, than yt now sent up by the House.

2. Considering the necessity and service of a Council, & the power granted them by the Queen in all her Govmts. abroad, they also perhaps deserve some more of those Civil Regards than have here been paid them. But if the Assembly would have their Assistance confined to matters of State only, the Govr. is of opinion, that the passing of a Bill into a Law is so much an act of State, as it Concerns her Majesty & the proprys. Interest, & the safety, well being & Interest of the subject, that he believes he would by no means answer his acting in such points without their advice and assistance. But when the House, to make use of any presence for laying their power aside, says, they can allow ye Council no more authority in Legislation than the Lords of Trade seem to doe in their

objection to the Law for erecting Chester Bridge, which Objection is in these words: (The first Enacting Clause Begins, Be it enacted by the authority aforesd, whereas there is only the Govr. & Council mention'd before.) They are desired seriously to Consider whether it become so great a part of Legislative power, of a Govr., as the House of Representatives, makes so unaccountable to misuse these Expressions of that Board.

The Lords Justly Tax the act with an absurdity, in Beginning the first enacting clause with, Be it Enacted by the authority aforesaid, with which no distinct act can begin, nor is there any authority mentioned before, but the Govr. & Council, who no where in the English Dominions have or pretend to the power of Legislation without the Assembly; But it would be an abuse to common sense to imagine, that because by an objection, if this were the whole of what the Lords husted, that the Assembly is not mentioned; therefore, 'tis an objection that the Council is mentioned, this will hold as strong agst. mentioning the Govr. himself in that act, & then the Assembly will have the whole Power. But this was only as misprision in the Clerk, for the Council have neither in that Assembly, nor ever since claimed any vote in Legislation, Or if they did, 'tis not probable the Lords of Trade would object against it, since in all her Majestys Governmts. immediately under the Crown they have such votes, But a Govr. would Certainly find himself extreamly unsafe without a Council in affairs of this kind, since he is unaccountable for all the acts he passed, especially where Constitutions, Statutes, and Law books are quoted to him, if he must rely wholly on his own Knowledge & experience only.

The Bill presented to the House, has been proved to agree much better with y^e^ best of Constitutions, viz: the English than the Bill presented by them, & 'tis strenuously alledged, that that agrees with no Known Constitution in the English Dominions, but that it secures in the foundations to be drawn from that of the Marches of Wales, which for its inconveniency, 'tis said has been abrogated by act of Parl., & therefore cannot be pleaded as a fit President to be Established here.

The Power granted to the proprietr. by the Royal Charter is sufficient to erect all our Courts, and so the best skill'd in the Law in that House have given their opinion, Yet the Govr. would rather choose it should be done by act of Assembly. But is this cannot be obtained without a much greater Inconveniency, such measures must be taken as the Govr. can best discharge his Duty & Trust by, to her Majy. and the Propr. and the Countrey; & if that should suffer for want of any further Provision, it will belong to them only to answer for it who are the Veasons of it, the Govr. is willing to establish Courts with the Concurrence of the Assembly; He craves no new grant to be made to him, why then should the Assembly press the Govr. to make new ones or otherwise halt in the discharge of their Duty, which now certainly is to open y^e^ Currant of Justice, as if it were the Merit of an Assembly to devest the Govr. of his power and render him as useless as they would the Council.

3. Whether distinct Patents or the same is a matter indifferent, but the former objection still weighs with the Govr. Justice cannot be so duly administered when the Judges are under no obligation to act. The Govr. has largely found the Difficulty of this Case; fit persons ought to be obliged to do this important Duty and be paid for it, the want of which has occasioned mischievous disappointments in this Govmt., especially in the Courts of Philadelphia. 'Tis a point of Civility in the Assembly to those they Represent to take up such assurances of their abilities; But the Govr. has certainly by Experience found it extreamly difficult both to find such persons and to perswade them to act, especially in such Cases as by this Act should be brought before the Provincial Judges; for which service none but men of the Law can be qualified.

4. This alteration is much more reasonable, but it should leave the same room for writts of Certiorari here as in England, as well after plea as before, according to the act of Parlmt. from which this is taken.

5. This is of no very great importance either way but the other is thought safest.

6. In the rest of her Majesty's Governmts. in Amarica the officers that have not their Commissions from the Crown are put in or turned out as the Govr. finds Cause, & the same Power being in the Govr. here, he is resolved not to grant it away; had the Assembly this Power already in ym 'tis supposed it would be in vain to intreat them to part with it, notwithstanding all other Govrs. had it. Why then should they ask what they would not grant, notwithstanding any Presidents that could be pleaded for it throughout the rest of the Queens Dominions in America.

7. What is proposed is the Practice of all these Govmts. (as far as this Board can be informed) in America, 'tis no advantage to y^e Govr., but 'tis every where abroad thought most reasonable that these persons who particularly Chosen to Consult in matter of State & of the greatest importance, should be Considered as the fittest to Judge in matters of Equity. Neither Govr. nor Council have reason to be fond of this, but as it might render the Board more Considerable in the Eyes of the People, so it might enduce y^e most Considerable persons to engage in it, & thereby be greater security to the Countrey. The present Council here has never pretended to determine matters in Civil cases, & these Reflections in this Case are unkind, for the Proposal is not that the Council has held such a Power as the Govr. a Council, but as there must be a Court of Equiety, and the Govr. and Council is made that Court in all others of the Queens Colonies, What reason can be given only the Council here should not be that Court, as well as in other places. But the aim in this as well as in some other cases, seems really to be to divest the Propr. & Govr. and all those about ym. of Power, otherwise why should matters in this Province be prest so differently from all the rest of the Queens Colonies?

8. This may be left.

9. The Assembly has Established the ffees, which 'tis not reasonable to expect should be given away. The Govmt. is not so well supported, as that any branch, however small, can be parted with; this method is contrary to the Practice of all men.

10. 'Tis an invasion of the Proprs. Right to attempt it, while the Govmt. is in him. The Lords Objection to that Law was that it ought not to be passed if the Propr. surrendered the Govmt. which when he does he must also surrender his Right to all the fines, but till that be done they are his, and if the Propr. took no other way to solve that, 'twas because he was then actually upon a Treaty about it, and when ever any such Treaty shall be concluded, 'twill be properly solved by a Clause requiring those ffines, &c. to the Crown.

11. The Corporation may ffine as other Courts can, but then Remedial Writts are to be allowed, the denying of which in another Clause occasioned this just Objection.

12. 'Tis most proper that it should be as proposed in the objection, and if it be already settled by a Law, the same power may alter it in a Case where no body will be Injur'd by it only matters be more regularly settled.

13. The Govr. proposed to the House that fewer persons than were intended in y^e^ Bill or rather more should be exempted from arrests, and to this they answer that they agree there shall be even more exempted yn they at first proposed, for that follows upon leaving out that clause; this method of agreeing is not the way to bring matters nearer to close. The Govr. would have acquiesed with that part of the Bill being pleased with so considerable an amendment, but still wished it might yet have been made better, but admires to find it returned worse than before.

14. The design of Laws of this nature is to oblige men to be just that would not be so without them, for honesty is the greatest Law to itself, 'tis the knavish part of the world therefore, that in such cases must be guarded agst., and whatever may give such Persons a Greater Liberty is dangerous, But a General Jurisdiction would prevent this.

15. An intention to favour the oppressed is commendable, but there should be nothing intended by an act but what is plainly expressed, for when once in force 'tis not the intention but the letter is pleaded, and that in this act gave the Greatest Knaves as great a Privilege as the honestest man, equally as it tended to relieve the honest from oppression whether a Knave or honest. Vating Essays are dangerous, however Commendable the Intention may be; there might some other objections be made to this Clause, as the Inconsistencies of it sentences no Provision for the Costs of suit, &c. But since there is so much necessity for Dispatencing the business in hand, such matters had better be brought into separate acts that may be with

more leisure adjusted, especially since an objection agst. one single Clause is sufficient at home to Condemn a whole act.

16. This is spoke to in No. 7 & in No. 2, 8, 2.

17. This is Likewise answered before.

18. This will not admit of a Debate at present, if the rest of the act could be settled, this might be the more easy adjusted.

19. The Govr. is very willing to have the ffees settled, but there has been so much time lost that it cannot be now done early enough for this Bill; he has nothing against passing an Act for Establishing them. but time must be taken first to hear all the Respective officers, and thats ye only reason of the former objection.

20. Till these objections be removed, the Govr. cannot assent to the Bill, Yet the Courts must be established which has been fully spoke to No. 2, 8, 3. The Case is short and plain, the assembly requests several things to be granted away from the Propr. & Govr. which are now his, and to this he will not agree; they desire some other new matters to be Enacted that were never known here before, which he thinks not safe for the Countrey, & therefore cannot assent to. If for reasons they will not join in a reasonable method to publish the Courts, the matter 'tis believed will be indeed want a vindication. The Govr. however, must without Delay see them established, of not with the Concurrance of the Assembly, then by such other means as are in his Power and will best answer the Publick good, & in answer to the last Clause, 'tis hoped the Assembly will take no measures but such as they will be better able to vindicate, than their Refusal to discharge so important a Duty if they should still unhappily insist on what they have offered. But upon the whole, they are desired to Consider that the business now is to serve the Countrey at a pinch and not a Trial of Skill, and to resolve that there may be no more time spent nor argumts used upon this head, but what they immediately tend to bring the matter by the shortest methods to the desired Issue.

Signed by Order of the Board,

J. LOGAN, Secry.

Ordered, that Thos. Story and Richard Hill deliver'd the said answer. & Inform the House, that the time the Courts ought to sitt of Course drew so very nigh, (the day for Philadelphia Court being 3d or Tuesday next,) that the matter would not admitt of any longer debate, and therefore they were desired to give their Result by to morrow at farthest, for the Courts must not be suffered to fall.

On ye 27th, A Petition from Jacob Spicer of West Jersey, was read, humbly shewing yt a Certain Negro slave belonging to him, being sent to Philadelphia about his masters occasions, was taken up in the street, & committed to Gaol without any mittimus, & was there detained & kept very Greatly to the sd Jacob, (his master's) Damage, & thereupon prays relief.

And the subject of the said Petition being further inquired into, the Board was informed, that the said negro was committed upon suspicion, That he had, if not wilfully yet accidentally, sett on fire the Dwelling House of Wm. Righton, which was lately burnt to the Ground.

Ordered thereupon, that upon the late Law for Trial of Negroes, a Commission be Issued to ———, for the Trial of negroes in the County of Philadelphia.

At a Council held at Philadelphia, y^e 30th 9br., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest, Thos. Story, Griffith Owen, James Logan, Esq'rs.

William Trent. Richard Hill, Jos. Pidgeon. Esq'rs.

The Govr. having last night Ordered the Secry. to Call this morning upon the House, for their answer to the last message, he reported that he had been with the Assembly, but the Speaker was not come to the House, that he had informed some of the members of this message, who promised to acquaint the Speaker & press the dispatch of the answer as much as possible.

A Petition from Rowld. Ellis, & divers others Inhabitants Meirion & y^e upper parts of the Welch Tract to the number of 98, was Read, humbly requesting that for the better accommodating the said Petitrs. and other Inhabitants of that Countrey over Shuylkill, this Board would grant ym the Priviledge to sett up another fferry over the said River, between the lands of Edwd. Roberts on the further side, & Thos. Shute on the hither side, to be kept by the said Robt., and that a Road should be laid out from Meirion meeting house to the said fferry, & from thence falling into the Road leading to Philadelphia.

Ordered, that some of the Petitrs. be required to attend this Board, to Speak to the matter contained in the said Petition, & that John Powel, who now keeps the upper fferry on the said River, have also notice to be present.

No answer being brought from the Assembly, Griffith Owen was ordered by the Govr. to call again upon the House for the same, & to inform ym that the Govr. & Council had waited great part of this morning for it.

Griffith Owen returning, reported that he had been with the House, that their answer was that the Clerk was transcribing what they had drawn up, & that in 2 Hours it would be ready.

And then adjourned till 2d day (Monday) next.

At a Council held at Philadelphia, y^e 2d of 10br., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr. Lieut. Govr.

Edwd. Shippen, Judge Guest, Thos. Story,	Esq'rs.	James Logan, Richd. Hill.	Esq'rs.

In pursuance of an Order of the last session of the Board, upon the Petition of divers Inhabitants beyond Schuylkill, for another fferry over that River, Several of the said Petitioners attended to speak to the same. John Powel also attended, & presented another Petition subscribed with about 47 names, humbly Shewing, That for accommodating the Inhabitants beyond Schuylkill, in their passage over the same, in a better manner than formerly had been done by the first settled ferry, there Encouragemt. was given to Wm. Powel to erect one upon his Land, which to his great Cost and trouble he had effected, & always maintained a Commodious fferry at the sd. place, without any other Charge to the publick than what the Law allows, But that now some other persons endeavour to settle another not very far distant from what the said Willm. had erected, which would utterly ruine it by drawing away the Greatest part of their Custom, which would be highly ungrateful, after they had so long maintained it when the profit would not answer the charge.

And divers of the Petitrs. on both sides being heard, & their allegations considered, It was Ordered, that David Powel, the Surveyor of the County, should with Rowld. Ellis, David Jones, Edwd. Robts. & Benjn. Humphris, four of the first Petitrs., and Saml. Bradshaw, Jno. Warner, Jno. Mifflin & Thos. Shute, four of the latter Petitrs., view exactly the Conveniencies & Inconveniencies, as well of the Road & ferry that now is, as of the place where the Petitrs. desire y^e new road & ferry, & make Report thereof to this Board.

The Govr. laid before the Board an address he reced. on 7th day last, (Saturday) after the Council rose from the Assembly, in these words.

The Address of the Representatives of the freemen of the Province of Pennsylvania, Presented to the Governour the 30th day of November, 1706, In answer to his message of the 26th Instant, sent to the Assembly.

May it please the Governr:

We have taken thy last message into our serious Consideration. And as far as the shortness of the time would permit, have had due Regard to y^e several Clauses & Paragraphs thereof, And for answer thereto, the House thought fitt humbly to Offer the following Resolves, Which we Entreat that the Governour will be pleased Deliberately to weigh & Consider.

November 29th, 1706.

Resolved, That it is the opinion of this House, Nemine Contradicente:

1. That it is the undoubted right of the Representatives of the freemen of this Province, in assembly mett, To address and advise the Govr. to turn out or misplace for misdemeanour, any magistrate or officer Constituted by the Govr.

2. It is the Opinion of this House, N. C. D., That if any such Magistrate or officer shall be Impeached by the Assembly for Official Misdemeanour, such magistrate or Officer, upon proof made of such Charge, ought to be removed or Displaced at the Instance of the Assembly.

3. It is the Opinion of this House, N. C. D., that fines and forfeitures were not granted to the Govr. or his Deputy for their own private Use, And that the fines and forfeitures proposed by this assembly, towards paying the Justices fees, are righly appropriated.

4. It is the opinion of this House, N. C. D., That tho' the Govr. know of no Concealmt. of the reasons for repealing the late Bill of Courts. Yet the Secry. James Logan, may as well conceal them as he did the Objections of the Lords Commissonrs. of Trade and Plantations, which he receiv'd the Tenth of Decembr., 1705, and did not produce the same to the Assembly then sitting, which he ought to have done before they had passed the Bill, that gave a great sum of money to the Proprietor & Governour for support of the Governmt., (which he then was about surrendering,) And before they had passed the rest of the Laws then Enacted, many if not most of them being lyable to the same objections which were the Cause of repealing the former.

5. It is the opinion of this House, N. C. D., That the scheme proposed by the Assembly for Establishing Courts of Judicature, is well adapted to the circumstances of this Province, and is for the most part Warranted by the Common and statute Laws of England, And this House conceives That nothing of weight hath as yet been advanced against it, but what has been already Complyed with by the Assembly. And as concerning the scheme proposed by the Govr., The Valuable parts therof are Comprized or supplied by the said other scheme. But as to the residue thereof, though it may in some respects agree with Establishmts. in neighbouring Colonies, yet inasmuch as it may produce the like Inconveniencies as theirs do, this House rejected it.

6. It is the Opinion of this House N. C. D. That whosoever Did advise the Govr. That any part of the acts of parliament wch Established Courts in Wales is abrogated, unless it be that wch made the President & Council there to be a Court of Equity, with few more clauses concerning Sherifs, Jurors and the number of Justices, have given pernicious Council to the Govr.

7. It is the Opinion of this House N. C. D. That if a Law could pass here to settle the Court of Equity in the Govr. and Council, It might meet with the like Rebuke at home, as that part of the ordinance of Wales Did, wch gave the president and Council there the Power of a Chancery, which being a Burthen to the subject and a

means to Introduce arbitrary power, was suppressed by a state made in the 1st year of King William and Queen Mary, Chapter y^e 27, But the settlemt. of Chancery in the Respective Counties of Wales being the foundation of the assemblies Bill, is Established, and has had Constant allowance since the time of King Henry y^e 8th.

8. It is the Opinion of this House, N. C. D. That though the Govr. may advise with what Council he pleases, Yet it is not warrantable from that to Inferr that such Council should therefore have the like authority as Councills in Govmts. immediately under the Crown, where the Queen Gives them their share in Legislation, as well as the Governrs., by Express powers, as this House is Informed.

9. It is the opinion of this House, N. C. D. That such of the Govrs. Council as joyned with him in y^e said message, & made objections to y^e Bill for Establishing Courts, prepared by this House, have assumed to themselves a share of the Legislative authority of this Province.

10. It is the opinion of this House, N. C. D. That y^e reviving of Courts with the Pleas and Process depending since the repeal, so highly affects the Queens subjects in their Lives & Estates, That it cannot be done by any Ordinance of Governour and Council.

11. It is the opinion of this House, N. C. D. That if the Govr. will think fitt to shew the Assembly wherein the said Bill for Regulation of Courts (now lying before him) is yet defective or disagreeable to Law or Reason, in any part thereof, the Assembly will spend more time to consider thereof, & endeavour to Comply with the Governr. in all things Consisting with their duty to y^e Queen, and Trust in them Reposed by y^e people they Represent.

12. It is the opinion of this House, N. C. D. That all persons who do or shall advise the Govr. to Re-establish Courts & Revive the pleas & Process aforesaid, by an Ordinance, without y^e consent of the Assembly, such advice or Council is pernicious to the Govr. And such advisers are to be Deemed as Enemies to the Justice, Tranquility and welfare of this Province.

13. It is the Opinion of this House, That the said James Logan is one of those who advises the Govr. to insist upon an Opinion of Re-establishing Courts of Judicature in this Province, by an ordinance of the Govr. and Council, without the Concurrence of the Assembly, & hath therein Given pernicious Council to y^e Govr. ffor which as also for his said Concealmt. of y^e Objections of the Lords of Trade, He is Deemed an Enemy to y^e Govr. & Govmt. of this Province.

14. Resolved, That an humble address be made to the Governr. to Remove the said James Logan from his Council and Presence.

Signed by order of the House,

Per DAV'D LLOYD, Speaker.

The Govr. also acquainted the Board that the Assembly at Newcastle, being extreamly impatient at his absence, all the last week from them, he could now stay no longer, but must this very night, if possible, be with them, and thereupon desired the advice of the Council upon the said address.

Which being Considered, it was Resolved, That notwithstanding divers of y^e said heads required to be taken notice of, and answered, and although the Courts ought without delay, to be Established, the Countrey now suffering very deeply for want of them, Yet as this Board always had shewn a Desire to have them settled, with the Concurrence of the Assembly if possible to be effected, and they in their Eleventh Paragraph express a willingness to spend more time to consider what may be objected against their Bill, so it is most advisable (for prevention of a Total Rupture with the House, by which the Govmt. might more deeply suffer,) to adjourn the Courts once more, & to endeavour to accommodate the matter with them, if to be done upon any terms that are reasonable.

And 'tis Ordered thereupon that the Court of Philadelphia be adjourned by the Justices thereof to the Second Tuesday (so called in January) next, & that the Court of Bucks be also adjourned to the next week then after following.

Ordered that Edwd. Shippen & Thos. Story goe on a message in the afternoon to the Assembly, and acquaint them with the Govrs. Departure for Newcastle, and the above resolve, and that thereupon there is a necessity for the House to adjourn for a fortnight at least, & accordingly the Govr. wills that they be adjourned.

At a Council held at Philadelphia y^e 18th of 10bre., 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story, } Esq'rs.
Caleb Pusey,
James Logan,

William Trent, } Esq'rs.
George Roche.

Thos. Story reported to the Board, that in pursuance of the Order to Edward Shippen & himself, they had delvd. the Govrs. message to the House as by the said order directed, that the House seem'd well satisfied with the first part thereof, but to the order for their adjournmt. they answered they would consider of it.

The last address of the House, with their Resolves therein contained being further considered, the Board came to a Resolve, which Thos. Story and William Trent were Ordered to carry in the following words.

That tho' the last resolves of the House contain many abuses, Perversions & Reflections upon and against the Govmt., that must of necessity be animadversed on, Yet the Govr., for the service of the Countrey wch now deeply suffers by the full stop that is putt to the Currt. of Justice, is willing at this Juncture to wave that animadversion, to bring on the business in hand, viz: the Bill for Establishing Courts, & therefore proposes to the House to proceed on the said Bill as far as it directly relates to Establishing Courts & no otherwise, leaving out all those demands of such Powers & Rights as the Propr. & Govr. are now duly possest of, for these will by no means be granted away, & all such other matters as are not necessary to such a Bill, all which will appear by the Objections already made by the Govr. and sent to the House, and then the Govr. will concur with the assembly in enacting it without further delay.

At the motion of the Master of y^e Rolls, Ordered that the Queens orders in Council for repealing divers of the Laws of this Province & Terrs. be delvd. to him to be Recorded next after the record of y^e said Laws, & the said orders was delvd. to him by y^e Secry. accordingly.

At a Council held at Philadia., 21st of 10br., 1706, at R. Hill's.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story, Griffith Owen, William Trent, Esq'rs.
James Logan, Richard Hill, Joseph Pidgeon. Esq'rs.

An answer from the Assembly to the Govrs. message sent to the House on the 18th day of December, was read in these words.

The Assemblies Answer to y^e Govrnrs. message, sent to the House of Representatives on the Eighteenth day of December, 1706.

The Govr. at his last going to New Castle, was pleased to send us a message to this effect, that for as much as in one of our last Resolves sent him, we concluded upon spending more time to consider of what he should further propose by way of amendment to the Bill of Courts, Therefore the Govr. was willing the House should adjourn for a fortnight, and so the House adjourned till the seventeenth Inst. At which time the Assembly expected some further proposals of amendmts. to y^e said Bill, but instead thereof to their great disappointment, The Govr. was pleased last night to send a message Containing some general Charges and aspersions, which they take to be not only unjust in themselves, but considered as given to the Representatives of the freemen of this Province in Assembly, who by immediate powers from y^e Crown of England Contained in y^e Royal Charter, are invested with so great a share of the Legislative authority of this Province seems very hash, and we think without president, and Possibly may administer more Just occasion to be animadverted on than any of those votes upon wch it reflects.

The Govr., towards the Close of the said message is pleased to refer to his former Objections, Which tho' the House Conceived were sufficiently answered, and therefore expected the Govr. had either been near an Agreement with the House, or would otherwise have given his further objections, grounded on Law or Reason, as was proposed. Yet considering the great necessity of settling the said Courts, which the House is very Desirous should be speedily Established for the benefit of the Queens Subjects in this Province, The Assembly have again deliberately Considered the Govrs. former objections to the said Bill, and have Endeavoured to Comply with his mind so far as they Judge it Consistent with their Duty to the Queen, & the Trust reposed in them by those they represent.

But for as much as the Govr., in his said objections, is pleased to suppose the House Expects greater privileges than other of the Queens Colonies in America, Or would draw something from the Proprietary, which is not their right to expect. The House humbly proposes, That he would be pleased to Consider That this Province was not at first settled as some others were, either at the Charge of the Crown of England or of any private man, nor was it peopled with the purges of English prisons, but by men of Sobriety and substance, who were Induced Chiefly by the Constitution, Which by Compact with the Proprietary, was to be so Established as that the purchasers and adventurers were to have greater Privileges than they Enjoyed in their native Countreys, Which however, we have been deprived of, we think y^e^ Proprietary in duty and Conscience obliged to Endeavour to restore unto us instead of surrendring. But if the Govr. will be pleased to show the House, wherein the Bill of Courts now proposed, Contains any Request of things to be granted away from the Proprietary, which was not either Expressly or implicitely granted the People formerly by him, & which is not Consistent with the practice of England or some of the Queens plantations in America; The Assembly will then readily Comply wth the Govr. in making such alterations therein as shall be agreeable thereto. In the mean time, we hope y^e^ Govr. will better consider than to send an answer like the former, that he will not agree because what is Expected is granting something from the proprietary, wch is now his right, seeing all the Assembly asked is in him to grant or refuse. But y^e^ question will be, whether he ought not in Justice to grant it, seeing it is in his power, And the like Answer from this House would hardly be deemed Cordial by the Govr. in case of the want of a supply, however as to that part of the objections relating to the perquisites arising by Lycences, the assembly to shew their Design was a Regular Establishmt., rather than aiming at any of the Govrs. perquisites, have agreed by certain Resolves herewith presented thee to make an alteration in that part of the Bill, with an augumentation to the Governour, But the fines and forfeitures, the House cannot agree to alter from the uses to which they are already appropriated by the Bill.

Signed by Order of the House,
Per DAV'D. LLOYD, Speaker.

Resolves Delivered with their 3d answers, y^e 21st, 10br., 1706.

Resolved, Nemine Contra Dicente, That it is y^e Opinion of this, House, that the Govrs. sixth objection about putting in & turning out of officers is sufficiently answered, and the Assembly see no cause to Recede from their former Resolves upon that head.

Resolved N. C. D that it is the opinion of this House that the power of Lycensing of common alehouses, &c. ought to be in the justices of Peace here as amply as it is in Justices of peace in Engld.

Resolved that it is the Opinion of this House that if the Govr. will agree with the Assembly to allow the Justices Power of Lycensing Taverns as by the Bill is proposed, there shall be paid him for every Lycense to be granted by the Justices of y^e City of Philadia. it to sell wine, three pounds; if to sell ale and all other strong Liquors, Except Wine, Twenty shillings, & if to sell Wine, ale and other strong Liquors four pounds, & for every Lycense Granted in any other part of y^e Province, y^e moiety of the Respective Rates aforesaid. And that a Clause be put in the Bill for that purpose.

Resolved N. C. D. that in Case the Govr. be pleased to accept of the said perquisites in Lieu of what is allowed him for Licenses by the act of the last Assembly, it is the opinion of this House that the Clause in the said act wch allows the Govr. forty shillings for every License in Philadia., and twenty shillings in the Country, & to the Secry. for drawing the Lycense and Bond, ten shillings, shall be repealed.

Resolved N. C. D. that as to the fines and forfeitures this House Refers to the Assembly's answer to the Govrs. tenth objection.

Ex Per DAV'D. LLOYD, Speaker.

Which being read and Considered, it was Resolved that a Reply be drawn up first, hinting particularly but briefly y^e abuses, Perversions & Reflections on the Govrs. Message; 2dly. acquainting the House again that in as much as the Priviledges disputed were already fully settled by the Proprs. Charter and the Laws in force, the present Govr. could not take upon him to make any Innovation or grant what the Propr. himself when here thought not fitt to grant. Thirdly, That the Bill of Courts be perused, & such parts as have been objected against & cannot be granted, be marked out distinctly, & the other parts assented to.

Ordered that the Master of the Rolls & the Secry. draw up the said answer to be laid before the Board at the next sitting of the Council.

An Order of the House was read, requiring 4 of their members to acquaint the Govr. that two others of their members being sent from the House in a message to the Govr., were affronted by the Secry. J. Logan, in a Contemptible manner, &c.— for which the House expects satisfaction, but first acquaints the Govr. before he be sent for, to avoid any misunderstanding between the Govr. & the House, the abuse being Resented as a Breach of Priviledge, &c.

Order of Assembly & Message, y^{e} 18th of 10br., 1706.

Ordered that Griffith Jones, ffrancis Cook, Saml. Lewis & John Swift do wait upon the Governour & acquaint him that they were ordered by the House again to lett him understand that the House waited to know his pleasure & to Receive what he hath to communicate concerning the Bill of Courts & other Bills laid before him by the last Assembly.

The said members are also to acquaint the Governr. that the two members sent to him in a message from the House last night, were affronted by the Secry. James Logan, who in a Contemptible manner, after he knew they Came in a message to the Govr., askt one of the said members whether he was not ashamed to look him, the said James Logan in the face, with other very unbecoming words, for which the House Expects satisfaction; but before he be sent for, they thought fitt to acquaint the Governour thereof, as well in Expectation that the Govr. will use means to prevent the like Indignities for the future, as to avoid any misunderstanding betwixt the Govr. and this House. The abuse being Resented as a Breach of Priviledge of this Assembly, In a matter which seems to Touch the Governours honour who was pleased to Promise the Representatives free access to his person, & all other Priviledges of an assembly.

Per Order of y^{e} House, Decembr. 18th, 1706.

DAV'D. LLOYD, Speaker.

And the Secry. being called on to give an acct. of the Occasion of the sd Complaint, Informed the Board y^{t} all that past was a Jocular expression or two to S. Richardson, who used always to take a great freedom that way himself & that he believed he never resented it as any affront, for he is sure it was never designed as one, &c., whereupon 'twas ordered that the said member of Assembly himself, should be desired to inform the Govr. of the whole matter, and being sent for, He declared he was not at all affronted.

At a Council held at Philadelphia, 10br., y^{e} 23, 1706.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story, James Logan, William Trent,	Esq'rs.	Richard Hill, Joseph Pidgeon.	Esq'rs.

According to the Order of the Board of the 21st Instant, the Master of y^{e} Rolls and the Secry. presented an answer, drawn up according to the last minutes, to be sent in a message to the Assembly, which being read & distinctly Considered, was agreed on in the following words, viz:

The Govr., in his last written message to the House, informed them, that notwithstanding in their former resolves there were many abuses, &c. upon and against the Govmt., which required an animadversion yet for the service of the Publick, he was willing to wave them to bring on the business in hand, viz: the Bill of Courts, that the Current of Justice might be opened, & as he was willing to wave all resentmts. for so good an end, he hoped the House would have immediately proceeded according to the Method proposed, which he thought was very plain and Clear. But in answer to this, as if they were wholly insensible of any occasion given, they have more irreverently retorted upon him, & still hold remote from what has been proposed. The Govr. will always continue to Insist upon what appears to be the directest method to finish the Bill, Yet that the House may be more fully convinced of the Occasions given him for those mentioned Remarks, He thinks fitt to point out such passages in their Resolves as will Justly fall under some of those Titles that he gave them.

The Govr. assured the House he knew of no Concealmt., and y^e votes of y^e House make it appear, that by a message of three members to the Secry. he had before done the same, notwithstanding which he is Charged, and a Parrallel brought to support it, which the Govr. knows to be groundless. The last clause also is a great mistake, for there are but two fines in all those Laws last past, granted to the Propr., but what are for the support of Govmt., besides which no other of these objections will lie.

Res. 6th. Here's mention made of pernicious Council given to the Govr. upon no ffoundation, for the Paragraph to which this must be designed in answer will admit of no such thing, the Court of the marches of Wales only was mentioned by the Govr., to be as 'twas said abrogated, and this is true, for the Court is suppressed by act of Parliamt. If there were any mistake in a matter that is so foreign to us as the Courts of Wales, it might have been hinted to the Govr. in another Language, than calling it pernicious Council given him, and the assembly that are generally unacquainted with things of this nature, are made to resolve it to be such N. C. D., Besides since the Courts in the neighbouring Govmts. are erected immediately under the Crown, it looks somewhat to arrogating, to say that the Govrs. scheme is rejected to avoid the Inconveniencies these Courts produce, & yet mention none of them for the Govrs. satisfaction.

Res. 7th. The House resolves N. C. D., that if a law could pass here to settle the Court of Equity in the Govr. and Council, it might meet with the same rebuke at home as that part of the Ordinance of Wales, which gave the President and Council a power of Chancery. That Court was suppressed, because it was found an intolerable burthen to the subject as it was managed, Yet the Queen, in most or all her Governmts. abroad, expressly establishes her Courts of Equity in the Governour and Council alone, and therefore if the same were done here, the old abusive Chancery of Wales could be no objection, since by the Queen herself, such Courts are so settled in New York, Maryland, Virginia, the Islands, &c., unless the Assembly would have it believed, That because such a Court of Chancery for the great abuses of it was suppressed in Wales, therefore, a Court of Equity in the Govr. and Council of Pennsylvania particularly, must also be thought equally abusive by the Govmt. at home, notwithstanding these Courts are so erected by their Express directions in the other parts of the Queens Dominions.

Res. 8th. This if any thing at all is intended by it, implies as if the Govr. inferred that because he may advise with what Council he pleases, therefore that Council should have the like authority as Councils in Govmts. immediately under the Crown, where they have a share in Legislation, whereas in the answers sent to the House, there is not one Syllable to that purpose, or leading to such an answer.

Res. 9th. The House Taxes the Council with assuming a share of the Legislative authority, because as Council to the Govr. they join with him in advising to such matters as may be fitt to be enacted. By the same Rule the attorney Genl. and divers others in Engld. assume a Power in our Legislation, for they make objections, which are sent to us, being directed so to do by the Queen there, whose authority alone confirms or repeals them, But it is intolerable in the assembly, thus upon all occasions, however unjustly, (as before about Chester Bridge,) to attack the Council for their service to the Publick.

Res. 10. Either this is of no service at all, or it implies as if such a thing had been proposed by the Govr., which never was.

Res. 12. The Govr. told the Assembly if they would not concur in a reasonable Law to Establish the Courts, he must do it by an Ordinance, for they must be established. The House hereupon Resolves, N. C. D. that whosoever advises y^e^ Govr. to Revive the process and re-establish the Courts by an Ordinance, such Council is pernicious, & the advisers to be deemed Enemies, &c., if this be leveled. at such as advise the Govr. to revive y^e^ Pleas by an ordinance, it touches no body, & is then very frivolous, if it means such as advise him upon the terms mentioned in his message, to which these Resolves were sent in answer, as by the following Resolve seems to be intended, viz: to re-establish Courts only by an Ordinance. it takes in the Govr., the Council, the last Assembly, the Speaker of this, and all the lawyers of the Place, into the rank of such Enemies, & what animadversion this language deserves, the House themselves may Judge.

Res. 13. A member of Council, J. L———, is by name declared, an because 'tis the opinion of the House that he is, one of those that advise the Govr. to insist upon an Opinion (as the Language of the Resolve runs) of re-establishing Courts by an Ordinance, whereas neither he nor any other person advised the Govr. to this, if it could be done by a reasonable Law, but if it cannot, it has been the opinion of all those that have been mentioned, that it must be done by such other means as are in the Govrs. power, and so the Govr. must proceed to do, however irreverent the House may shew themselves upon it: And if this Resolve will suit that member, the House has been already told what follows, and how many are to be taken into the same Rank with him upon this score.

Upon the whole, too great a part of these mentioned Resolves are grounded upon misconstructions & erroneous inferences, and carry an air of Indignity with them, such as perhaps has never before been offered from any people to their Govr. duly appointed and Constituted over them, & therefore too Justly merit all the titles that have been given them in that message.

These are such particulars as the Govr. was of opinion ought to be animadverted upon, but after he has been obliged by the House thus to mention them, he shall be willing to wave all further notice of them at this time, & proceed only to what immediately requires the application of y^e whole Govmt. to see effected, In Order to which & that all unnecessary disputes may be laid aside, The House is desired to Consider that the Privileges of y^e People consist not in Divesting y^e Govr. of all power and support. The Govmt. of Engld. from whence all our Power is deriv'd, is in it self monarchical, with a just mixture of whatever else can render it the Happiest in the world, and of the same kind are also the Particular Govmts. in all the Queens Dominions, saving that for reasons obvious to those that know the story of y^t time the Govmt. of the Massachusets was at first granted principally to the People; But in the Royal Charter to the Propry. the whole power of Govmt. is invested in him and his heirs & their deputies alone, Requiring only that the Laws to be past in this Province should be by the Consent of y^e freemen, to be assembled in such manner as the said Propry. should think fit, So that besides this Right of concurring in making Laws, there is nothing further granted to any of the People by that Charter, whatever power beyond this is Claim'd, it can be derived from the Proprys. grants alone.

The Govr. at his arrival, found the People Posses'd of a Charter, by virtue of which the Present Assembly now sitts, containing the frame of the Govmt. settled solemnly, as he has reason to believe, between the Propry. and the People, because by the subscription 'tis said to be thankfully accepted of by the Assembly then sitting, & was signed not only by the Propry., but by the Speaker of that Assembly, in the name of all those of the Province, (as 'tis affirmed,) who were then present, and unanimously consenting, & 'tis further witnessed by the Council, this therefore ought fully to Conclude, for if the People could alledge that any thing more was their due, it ought at that time to have been fixed & settled, the Assembly then sitting, as the Govr. is informed, having fully Considered and Debated it, or if any Demands, which 'tis imagined might further have been made, were not then granted, the Govr. can not think it proper for him to intermeddle or to concern himself further than by Virtue of the

Kings Letters Pats. to the Propr. and the Proprs. Commission to him, with her Majesties Royal approbation, to govern according to that Charter & the Laws in fforce, & to proceed to Enact such others as may be necessary for the Countrey, & neither break in upon the already fixed and Established Rights of the Proprs. or those of the People, But if the Govr. should see occasion to ask a supply for the support of Govmt. He is of opinion that there could be no Just Parallel drawn between granting away a Right or Branch of a Constitution on the one hand, and the giving of a necessary supply for the present support of Govmt. on the other; Govmt. is always to be supported, but not the Constitution of a Govmt. to be always altered, or its Privileges lopt off as often as that support is raised. Were this to be the method, all constitutions would be entirely changed in a very few years, and there would remain no ancient Rights to be asserted, all would be soon bought and swallowed up by the People, who yet would never find themselves the more happy, tho' they might perhaps be more licentious in Government. It might reasonably be thought a very easy business to establish the Courts by a Law, without raising new disputes and Contending for such Grants of Power as are not essential to their Constitution, nor were ever in the People for these 24 Years past, since this has been a Colony. The Assembly therefore are desired to Consider whether at a time when the Countrey deeply suffers for want of Courts and the administration of Justice, when violence and oppression is ready to take Place, and no man can be sure of his own further than his neighbours honesty will secure him, 'tis Reasonable or for the Countreys service to start and Insist on Privileges which were never to the Govrs. Knowledge disputed here before, & to desire of the present Govr. such new grant to be made as either were not requested of the Propr. himself, when these matters were about being settled, or if they were, it appears he could not think ffitt to grant them. To make these hardships on the Govr., with which they may easily know he cannot Justly Comply, the terms of Procuring a Law only for the service of the Countrey, in which every Individual is or may be concerned, shows as if something further were intended than the shortest method to advance the good of the Publick.

But to bring on the matter in hand, the Govr. once more informs the assembly, & they are desired to take it as his positive answer.

That seeing he found at his arrival the Power of appointing & removing the Judges and Justices, and divers other officers invested in the Govr., and that it has been the Practice in this Province since the beginning and is the same in the Govmt. round us, he cannot agree to part with this Power.

That he cannot grant the fines and forfeitures away from the Proprietr., nor appropriate any part of them to any other use than Immediately to the support of Govmt., as they are generally in the Laws last Enacted, viz: either to the Proprietr. or Govr. for the support of Govmt., or to the Govr. alone, which is near the same;

That notwithstanding the settlement of Chancery in the Respective Countries of Wales, which the House said is the foundation of their Bill be Established, Yet the Govr. can not think proper to take a Precedent from thence for the Court of Equity, but takes the rest of the Queens Governments to be much more fitt for our Imitation, than a method which makes the same Justices Judges twice of the same Cause, first in Law and then in Equity; but if the Assembly judge it inconvenient, that the Court should be in himself & the Council, he will appoint such particular Judges for it by Commission, as that by them & the Provincial Judges the mentioned Inconveniency may be avoided.

That the Govr. cannot agree to any alteration whatsoever in the Power of the Corporation, but must leave the whole as the Proprietr. himself thought fitt to grant them, And shall still Leave it to him alone to make what Additions he shall think fitt.

That if the former method of Licensing Publick Houses be not thought sufficient, the Govr. will agree that no License shall be valid but what is grounded upon a Recommendation of the Justices or magistrates in Court, but will not part with the right of granting them, Yet is ready to Concede to any thing that may tend to maintain good order in Publick Houses more Effectually in a bill by itself.

As to the rest, Since no Consideration will induce the House to quitt their Proposed Establishment, the Govr. that the Courts may upon any reasonable terms be opened again, will not any further Insist on the scheme by him proposed, but leave it to the House to proceed on their Own, to which they seem so strongly attached, & besides the above objections shall (of those that have already been made) further insist only on the following.

That writts of Certiorari be granted as fully here as by act of Parliamt. in Engld.

That y^e^ Inconveniency of Procreating new Law suits in favour of persons taken in Execution be better guarded against.

That in settling the ffees the Respective officers be first heard.

Besides which there will now some few others arise from matters relating chiefly to the Courts themselves, which the Govr. thought not fitt to make before, because the Scheme or Constitution itself, and the Proprietors Rights, were the Chief matters in dispute, which when once Concluded y^e^ rest 'tis hoped will afford no great difficulty.

Upon the whole the House is desired, wth as little delay as possible, to let the Govr. know their thoughts, in such a manner as may most directly tend to bring y^e^ matters in debate to y^e^ speediest close. And if any thing arise in wch the House cannot fully satisfy themselves, they may discourse it at a Conference, which the Govr., if they desire it will either appoint to day, or at any other proper time for it after to morrow is over.

Signed by Order.

At a Council held at Philadelphia, Janry. 15th, 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Samuel Carpenter, Thomas Story, James Logan, Jasper Yeates, Esq'rs.
William Trent, Richard Hill, Capt. Roche, Joseph Pidgeon. Esq'rs.

An order of this Board of y^e 2d of 10br. last, appointing David Powel and 8 other persons with him, to view and survey the present Road from Philadelphia to Merion over Powels fferry, and the new Road that divers of the Welsh have petitioned for, was read, and D. Powel and 7 of the said persons produced a Return & Draught of Survey, by which the road by Powels ferry is made to be 2589 Perches, and y^e new one 2538 Perches, viz: 51 Perches difference.

The Petrs. on both sides spoke for and against the new Road respectively, as they were engaged on either side, &. another Petition against the said Road was also read, signed by several Inhabitants near Schuylkill, and the parties being Ordered to withdraw, the Board took the whole into consideration, and it was

Resolved, That there seems to be no sufficient reason given for erecting a New fferry, by those who petition for it, that the ferries already Established appear to be sufficient to accommodate the Countrey, and ought not to be so much discouraged as the present upper fferry necessarily must be, upon granting another above it. That the County Court may grant any such Road as they shall find to be convenient for the Countrey to bring their Goods to a nearer Landing: But that no other Public fferry over Schuylkill can be allowed untill a much Closer & better settlemt. of the Countrey shew a greater necessity for it than at present appears.

The Govr. laid before the Board an answer of the Assembly to his last message, deliv'd. him on the 28th of last month, which was read in these words.

The Assembly's answer to the Govrs message of y^e 24th of Decemr., 1706.

May it please the Govr.

This Assembly, with the Expence of much time and labour, having Endeavour'd to accommodate the Bill of Courts to the Governrs. Demands, on all such points as they find consistent with the Laws of England & our former Establishments Expected his Concurrence, Or at least some proposals for amendment of what he thought disagreeable or repugnant therein to an English Constitution; But we find to our great Dissatisfaction, messages filled with matters very foreign to the Bill, & serves only to divert us from proceedings, in order to Establish the Courts and open the Current of Justice wch we have so Earnestly laboured for. But in as much as the Govr. by his last message thinks fitt to point out Certain passages in our former Resolves, being (as we suppose them) of the 29th of Novemr. last to make some of those titles he gave them, We find ourselves obliged to take notice of his remarks thereon, in manner following.

It is the opinion of this House, That what the Govr. is prevailed with to animadvert upon the 4th Resolve concerning the Secry's. Concealmt. of the objections of the Board of Trade against some of our Laws, will upon a fair & indefferent hearing of what we have to say prove very ineffectual to Rectify the Secry's. mistake in that matter, which with some more articles that are to be exhibited against him, we intend to lay before yᵉ Govr. in due Time.

As to the Govrs. Remark upon our sixth Resolve, we are ready to make good what we formerly Voted in that Case, and tho' the Govr. may be drawn by wrong Information, to Patronize such a mistake; Yet the Assembly (as much strangers as he is pleased to suppose them in things of that nature) did Resolve it N. C. D. from the understanding they had upon their perusal, as well as hearing of the statute at large in that Case.

We dont say that the Govrs. scheme is wholly rejected, as the message seems to report, but all the valuable parts of it are Comprized or supplyed by our bill, & the rest rejected for reasons wch we could mention if that were like to be a means to accommodate matters between the Govr. and us, But we do not grant, it looks too arrogating that we thus express our dissent to the Govrs. proposal, as long as we have a suffrage in Legislation.

As to the 7th Resolve, the Govr. is pleased to suppose, That the management of the Court of Chancery in the president and Council of Wales, was what render'd it a Burthen to the subject. But we do not find the statute says any such thing, tho' the management of Courts in the worse sense may have the same effects here, and what is urged about Courts of Chancery in Colonies, immediately under the Crown, can be no rule to us for the reasons we have formerly given. And not only so, but we understand by several of the Council, as well as many others whom we Represent, That they are generally averse to it, Which with the Consideration we have had of the Charter of Privileges, & the former Constitutions of this Province puts us upon our duty to Insist on the Bill as proposed in that point.

As to the Remark upon the 8th Resolve, We are still of opinion that the Govrs. answer, to wch that Resolve is a reply, Did administer Just occasion for the sd. Resolve, and to be yet more plain, We conceive that the objections to the Bill ought not to have come from the Council, unless they had been authorized by the Queen, or allowed by the Constitution of this Governmt., to give their suffrage in Legislation; Therefore, We hold it improper for them thus to stand in opposition to us by whom they are represented.

As to the remark upon the 9th Resolve, Its answered in the opinion of the House upon the 8th Resolve, to which we referr, and shall only add, That we cannot conceive a parity of reason in what is mencon'd about the attorney General, & others in England who are not represented by us, & the Governrs. Council who are so represented. Nevertheless, when they are directed by the Queen to object our proposals in Legislation, as the others are against the Laws, We shall think it intolerable to attack them as the Govr. is pleased to suppose, (tho' we cannot grant,) that we do by the said Resolve and not before.

As to the Govrs. Remarks upon the 10th and 12th Resolves, we say, That it was very obvious to the Assembly when they came to those Resolutions, That the Establishing of Courts, & opening again the Current of Justice for the Relief of the oppress'd, (which the Governr. upon several occasions declared, he with the advice of his Council would do by an Ordinance,) must be such an Establishment as would Revive the Pleas and Process, Otherwise Instead of a Current of Justice a Deluge of Oppression would overwhelm y^e^ people, by putting them to Extravagant Charges in Commencing new accounts, as well as Endangering the Debts of many, by the opportunities thereby given for Debtors to abscond, wth many more Inconveniencies.

And as to that part of the said remarks, which would render our Resolve to Reflect on the Governr., the Council, the last Assembly, the Speaker of this, & the Lawyers of y^e^ place, We take it to be a meer strain upon our vote, which admits of no such Latitude; and we are still of opinion, that whoever advised the Governr. to establish Courts, in the sense we understood him, and as Expressed in the said Resolve are as they are there deemed, and we have further to add, That in as much as there is an Assembly ready to joyn with the Governr. in a regular establishment of Courts, Therefore we are unanimously of opinion, That it is not in the power of the Governr. by any Ordinance, without the Assemblys Concurrence, to Establish all necessary Courts in this Province, even in the Governrs. own terms, & as he is pleased to Express in his speech & messages to this House.

And as to the Remark upon the 13th Resolve, This is in great part answered by the last, nor will the pretence that it cannot be done be a Reasonable Law be any Excuse, till the Bill as now proposed by the House is shewn to be unreasonable. wch has not yet been done, But the Govr. might also consider, That Concealing the objections of the Lords of Trade to the prejudice of the publick is a great ingredient in the said resolve, And the House has given the Govr. no occasion to suppose they will shew themselves irreverent towards him, however unwarrantable his Ordinance may be: But we think it a great mistake to Conclude, That the Counsellour named in our Resolve will have so many taken into his Rank, for we have Enquired of our Speaker. & the other members of this Assembly who were of the last, and searched the Journals & find no cause to bring them into the Rank. But if any of them have favoured that opinion of Establishing Courts by Ordinance, without the Consent of Assembly, (as they do not remember they have,) they respectively declare, that since they had the opportunity of a mature Consideration of the Royal Charter, they can see no Cause to be of another Opinion than they were of when they joyned in those Resolves, Therefore let that Counsellour stand by himself till we find fitt Company for him.

The Govr. has no just cause to Conclude that the Resolves whereon he thus spends his animadversions do merit those Titles he has been pleased to give them, and we see as little reason for him to take that as an indignity to himself which we intend only to Introduce a Charge against such whom we have just Grounds to believe occasioned these misunderstandings between him & us.

We are very sensible that the Governmt. of England is allowed by all that understand it, to be the happiest in the world, and that the particular Governmts. in the Queens Dominions are so too, when under a good ministration, and we also know that the privileges of the people consist not in divesting the Govr. of power & support, and we hope no such thing can be justly charged upon the people here; But on the other hand, If a Govr. would divest or Deprive the Queen's Liege people in her particular Governmts. of the Privileges, that by the Statue Laws which are made for the Publick good, as well as by the Common Law, (which is their Birthright) they ought to enjoy. We are clearly of opinion, That such a Govr. can not expect the people with Chearfulness to support him, and we find by the Statute of the Eleventh & Twelfth of William y^{e} 3d, Intituled an act for punishing Governours of Plantations, &c. That the Parliament of England have made good provision agst. Govrs. Oppressing the subject or Violating the Laws of England, or of the Govmts. under their Command.

That the people of the Massachusetts in New England could not pretend to greater privileges than the Propry. granted to the purchasers and adventurers here, though we do not Enjoy them, nor can have a regular Establishment as yet settled, But waving what may be added here on that head, being obliged to Consider the latter part of the Paragraph, We are now answering, which would Leave us no more power beyond Concurring in making Laws, than can be derived from the Proprietary's grants alone; We take leave to inform the Govr. That if the Royal Charter be rightly Considered the adventurers and Settlers of this Colony are become Intituled to other material parts of that Charter besides the Right of Concurring in Legislation, and if we were but allowed the proper Incidents to that and have the powers of Judicature settled according to the Rules of the Common & statute Law of England, so far as they can be adapted to the Circumstances of the subjects here we might find a Regular Course to Rectify things that are amiss; Tho' perhaps such a regular Establishmt. as we so earnestly prest for, would abate much of the Consideration proposed upon the surrender.

That before we leave this Paragraph, We can not but observe how it Borders upon an opinion, That the privileges of the subject in the Plantations are meerly Dative & at the will of the Prince, Which opinion was formerly propagated in these parts, though it had been thentofore as well as since exploded, and several authorities of Law have been produced in this House to shew That the subjects coming into the Queens Plantations abroad, barrs not their Claim to their native English rights.

As to the present Charter which the Govr. found in being at his arrival, tho' it be far short of an English Constitution, yet even that has been violated by several inroads made upon it, and if the Govr. cannot grant the Just and reasonable demands of the peoples Representatives agreeable with an English Establishmt., there is cause to Conclude that the Propry. is not fully represented here, and however that Charter was received, yet it was not with such unanimity as is alledged, because Diminutive of former privileges, neither was it prepared by the House of Representatives, but done in great hast and about the same time another Charter was prepared and signed by the Propry. which ought to have been. but is not yet fully Executed, and so the people can have no benefitt thereby.

We can not Conceive it to be a good reason for the Govr. to Refuse to Intermeddle, as he pleases to term it, because he supposes That Assembly made no further demands, seeing Time and Experience may administer such occasions as might not then occur, or be duly Considered, and when they do occur is the proper time to make suitable provision, & this we conceive is neither a breaking in upon the first Establishment, nor a lopping off the powers of Govmt. unless it be such as may admitt the same licentiousness in Govmt. on that side, as the Governour seems to fear on the other, and whatever disparity the Govr. apprehends in the Comparison of a supply, The House is clearly of opinion, That as the end of Government was the happiness of the people, more than the advancing a single person, so the Govr. is as much obliged to endeavour that happiness, as the people are obliged to support the Governmt., and in y^{t} sense y^{e} Parallel will hold.

We are not striving for Grants of Power, but what are Essential to y^{e} Administracon of Justice. and agreeable to an English Constitution, and if we have not been in possession of this these 24 years, we know where to place the fault; and shall only say, 'tis high time we were in the Enjoyment of our rights. Nor are we justly chargeable with what the Countrey may suffer for want of a Law to Establish Courts, unless it can be justly accounted a fault in us at so proper a Season to insist upon English Rights & Establishments, which however the Govr. may have forgotten, has in part been formerly insisted on, and to Endeavour to Cramp the Representatives in Claiming such Rights by Law, as are for the Publick Good, because the Propry. has not Granted ym. already, (which if he had. there were no need for a second demand,) Or because 'tis made, Branches of Law, sayd to be only for the service of the Countrey, wch every other Law ought to be, shews as if the publick good was not to be advanced, but when a private end may also be propagated, and does not justly answer the Design of Legislation, which ought always to be proceeded in when ever occasion is administred.

We do not propose that the Judges and Justices shall be otherwise appointed than by the Govr., But that they may be removed when they are proved guilty of Official misbehaviour; and this is according to Judge Mompesson's Draught, which he prepared (pursuant to a statute made in the last year of King William's Reign) in Ordr. to be put into the Bill of Courts here, and as to the other Officers, we propose that they shall be placed & Displaced by the Justices here, as the Statute of the 1st of Wm. & Mary, ch: 2, & other statutes, as well as the common law of England, direct the Justices to do concerning such officers there.

The Clause in our Bill concerning forfeitures, being in these words, all which forfeitures shall be levied by the proper officers, & shall go to the Queen & her successours, for the support of this Govmt.,] does not grant them away from the Propry., as we have already observed in our answer to the Govrs. 10th objection, to wch we referred in our last on that head, and we think fitt to add, That the appropriating fines & forfeitures to the Queen does not Dispossess the Propry. nor his assigns, nor in any wise deprive them of what benefit they may claim by the Royal Grant on that account, for this House is informed That Palatinates & Corporations in England, to whom such Regalias are granted, are no ways divested thereof by Statutes That appropriate fines and forfeitures to the Crown; because what the Law appropriates is immediately vested in the Patentee, by Virtue of the Royal Grant, so that the Assembly can see no good grounds for any to Conclude or Insinuate that they dispossess the Proprietary or Governr. of these rights; Nevertheless, If the Governr. will be pleased to propose a more proper method of appropriating them, and yet that the Bill mayin that respect be sufficientlyGuarded against the objections of the Lords of Trade, which were the Cause of repealing some of our former Laws, Or that it may not fall in the general overthrow, upon the surrender, which we understand the Secry. has strenuously press'd the Propry. to: We shall be willing to consider of it, for we can assure the Governr. That y^e appointing the fines to the Queen was only to guard against former objections in that behalf.

As to the appropriating any part of the fines & forfeitures to any other use than immediately to the support of Governmt., the Assembly conceives they have not otherways appropriated any of them, only they think those parts of the Govmt., wch shall be Immediately supported therewth should be Exprest, & not left in General terms. and therein our proposal is warranted by the Laws and practice of the best of Constitutions, vizt., the English, and therefore the House cannot recede from that part. But if by leaving it in general Terms, the Govr. designs to Convert all the fines and forfeitures to his own private Use, The House have before given their opinion, yt it was not ye Intent of ye Royal Charter, they should be so employed.

As Concerning the Settlement of the Court of Chancery, we. refer to our former Resolves upon that head, and shall only add, That the Court of Equity has been constantly held in ye Respective Counties of this Province since the first settling thereof, and never objected agst. before that we know of, And the expedient proposed by the Govr. will rather Multiply Courts than avoid the Inconveniency; Therefore, we can see no cause to Recede from our former opinion.

As to the Corporation ye Govr. has been answered already, That we intend them no more power by the Bill than what is proper to the Jurisdiction grant them by the Charter, and yet if the Bill proposed more, (provided it exceeded not the powers of Corporations in England,) We are of opinion, That in Regard they bear so great a share in the support of this Governmt., as well by the Land Tax as the Imposts & Excise, the Govr. should consider whether he be not under an obligation in point of Justice to grant it them, and this objection we thought had been over before, however it came to be started here anew.

What the Govr. proposes to agree to about Licensing Publick House, We conceive it no more but what the last Charter of Priviledges Imports, Tho' it has been Eluded by Contrary Practices; and we are of opinion, That all the Proclamations the Govr. has been pleased to Issue against vice, &c., neither has been nor will be so effectual as the method proposed by the Bill to Regulate & reduce those houses, which together with the Countenance our proposal Receives by the Practice of England, is sufficient for us still to insist upon it.

We are no otherwise attached to our proposed Establishment than as we conclude it in the main, to be grounded upon an English Constitution.

And as to the 3 particulars the Govr. further Insists on for the two first, we are of opinion, That sufficient care is already taken, yet if the Govr. will agree with the rest of the Bill, and will propose wherein these particulars are short and defective, the House will further consider them, and agree with any reasonable amendment wch the Govr. shall be pleased to propose.

And for the other about hearing the officers, the House has in effect heard them, by having their own proposals or demands, which were sent in to the last Assembly, & were well considered Before that part of the Bill passed this House, so that we conceive nothing remains in that Case, unless to require of the respective officers an acct. of the fees they now take; But if the Govr.. after the rest of the Bill is agreed on, can Inform the House that sufficient provision is not made for the Officers in any respect, The House will augment their fees, if they appear to be too scanty.

Upon the whole matter we propose, That since the Governr. has not been pleased (tho' desired in our last) to inform the House wherein the Bill is disagreeable to an English Establishmt. or the Rights and Privileges the Purchasers & adventurers were to have, by former contracts, concessions and Charters made by the Propry., (which were the principal motives and inducements of their Removal from their Habitations there, and which they never forfeited, nor were Legally Dispossessed of,) nor will agree with the House to pass the Bill as proposed, but is so positive in refusing to grant what we think is our just Right to demand. We must acquaint the Governour that we are heartily sorry our earnest desires and Endeavours for the Publick good should (by this Refusal to Grant us Our Rights, or to Concur with Just proposals, grounded as before,) be rendered abortive, and shall rest satisfyed in that we have faithfully Discharged our duty to the Queen, and the trust reposed in us by those we represent. And to the end that the Governour may yet take what we have laid before him into further consideration, before the matters in difference be ripe for a Conference, We incline to adjourn for sometime, and attend the Governr. again when he thinks fitt to give us notice; And in the interim We Earnestly Desire the Govr. to Descend to some result upon the Bill for Impowering Religious Societies, &c. to Buy and sell Lands, which was laid before him by the last Assembly, and highly affects all those societies who are not of the Community of the Church of England, though proper objects of ye Queens Indulgence.

Signed by Ordr. of ye House, ye 28th of Decemr. 1706.
Per DAV'D. LLOYD, Speaker.

And whereas, in the said address the House at length declare themselves in these words, That in as much as there is an Assembly ready to Joyn with the Govr. in a regular Establishment of Courts, therefore we are unanimously of opinion that it is not in the Power of the Govr. by an ordinance, without the assemblies Concurrence, to Establish all necessary Courts in this Province, even in the Govrs. own terms, and as he is pleased to express, in his speech & messages to this House.

The Govr. again caused all those Paragraphs of the Royal Charter to the Proprietr. that granted any power of Legislation, or of Erecting Courts, appointing magistrates, &c. to be read, and desired the Opinion of the Board, (seeing the Assembly are so positive in theirs,) whether by those Clauses there is a full power granted to the Proprietr. and his Deputies to erect Courts, and whether the present Lieut. Govr. is invested or not with a full power so to do.

And all the members seriatim gave it as their opinion that the Govr. has full power, by virtue of that Charter, of himself and without the Concurrence of the Assembly, to erect all Civil Courts of Judicature in this Province, but do not advise to it as expedient at this time, if it may be done in such a manner as may be consistent with the Govrs. Honr. & Trust, by an act of Assembly.

The Assembly having on the 4th of 10br. last, voted that the

Inhabitants of the County & City of Philadia. had a Right by Law to elect a double number of persons for Sherifs, to be presented to the Govr. as the Law directs, and again, that John Budd & Henry fflower, on the first day of October last, were duly elected, &c.

The Govr. caused the late law Intituled an act for regulating the elections of Sherifs and Coroners to be read, and desired the opinion of the Board, upon which some little time being spent, the business was adjourned to the next meeting of the Board.

At a Council held at Philadelphia, y^e 27th Janry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Saml. Carpenter, Thomas Story, Esq'rs.
James Logan, William Trent, George Roche. Esq'rs.

In pursuance of the last minute of the last sitting of Council, the debate concerning the Election of Sherifs in 8br. last, was resumed, and the whole act for regulating those Elections was read, and sometime being further spent therein, the matter seemed so dubious to the whole Board that they could come to no positive Resolve upon it as yet, However as there is an absolute necessity for regulating that office, 'Tis Ordered that the present Sherif, Capt. John ffinney, be required to attend this Board to morrow at ten in the morning, with all the accts. of the Taxes and ffines Collected & levied by him since his entrance into that office, and then adjourned to ten in the morning.

At a Council held at Philapelphia, y^e 28th Janry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Thomas Story, Griffith Owen, Esq'rs.
James Logan, Rich'd. Hill, Joseph Pidgeon. Esq'rs.

The Secry. complaining that divers papers and Writings belonging to the Secretaries Office, and some he supposes to the Rolls Office and other offices, are detained in the hands of the widow Robinson Relict of Patrick Robinson, late Secry. of this Province, which she has suffered persons no way concerned in any of the said offices to view. 'Tis Ordered That Thos. Story, Mr. of the Rolls, and James Logan, the said Secry. with the Sheriff of Philadelphia, go to the house of the said Widow or to any other place where they may suspect any of such Papers, Writings or Books to be kept, and there demand and take into their possession and bring to this Board, all such Publick Books, papers and writings whatsoever as do in any wise belong to any publick office of this Govmt., or that came into the hands of the said Patrick Robinson, as he was in any Publick Office whatsoever that are detained in manner aforesaid, in order to be delvd. to the Proper Offices, to which they respectively belong.

Capt. John ffinney, Sherif of Philadia., according to the Order of yesterday appeared, and being required to Produce the acct. then mentioned, he represented to the Board that the time since his summons was so short, he could not possibly gett them ready, but that in two days time he might be able to draw them out; accordingly two days were granted, and he was Ordered to lay them before the Board on the 31st instant, about noon.

The Assembly having adjourned themselves from the 28th of 10br. to the 10th of febry. next, without the Govrs. leave or any prior notice given him, at a time when a Conference with them was expected, in order to accommodate and settle the Bill of Courts, which has been so long in hand, & for want of which the Countrey is most grievously oppressed.

The Govr. proposed that they should be called together again before the sd day, and 'tis thereupon order'd, That writts be issued to the Sherifs to summon the Representatives to meet at Philadelphia on y^e^ 3d day of febry. next, & then adjourned to y^e^ first of the said month.

At a Council held at Philadelphia, y^e^ 1st of febry., 1706-7.

PRESENT:

Y^e^ Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, John Guest, James Logan, William Trent,	Esq'rs.	Richad. Hill, George Roche, Joseph Pidgeon.	Esq'rs.

The Council not having mett yesterday, Capt. finney, Sherif of Philadelphia, appeared at the Board to day, and produced his acct. of what he had collected in the City and County of Philadelphia, by virtue of the late act of Assembly, laying two pence half penny per pound on all Estates in this province, amounting to £375 8s 2d, in the City, & £120 12 5, in the County, but of the Proprietrs. Tax he produced no acct., desiring some further time, tho' what he had received was very little, and of fines he declared he could give none, having never recd. any since he was last in office, & then was ordered to withdraw.

Ordered, that the Treasurer make up an exact acct. in manner of a merchts. acct., Currt. with the said Sherif for the whole Tax assessed, by virtue of the said Act, upon the City and County of Philadia., to be produced at this Board the next time the Council shall sitt, or as soon as it can be done.

The said Sherif being again call'd to y^e Board, he was put in mind of his great Delay in collecting the remaining part of the said Assessmt. or Tax, which was likely to prove of ill Consequence, and it was demanded of him what he proposed further to do.

Upon which he requested of the Govr. that he might be discharged of his Office, for he was desirous to lay it down.

The Govr. thereupon proposed to the Board to consider who should succeed him in the place, and the debate concerning the People's Rights of Election, on the first day of 8br. last, being resumed, and some time spent therein it was adjourned, to be further considered by some members of the Board till next council day.

Ordered, that the Sherifs of the Counties of Bucks & Chester Produce to this Board, on the 8th instant, full and perfect accts. of what they have Collected, both of the new Tax of Two pence half penny per pound granted for the support of Govmt., and of the two thousand pounds granted to the Proprietr. since they have been in office, And then adjourned to 2d day, or Monday next, the 3d instant.

At a Council held at Philadelphia, y^e 4th of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, John Guest, Thomas Story, Esq'rs.
James Logan, William Trent. Esq'rs.

The Secry. presented to the Board a Copy of the acct. of the last Treaty with the Conestogoe, and other Indians of Philadia., which was laid before this Board on the 25th of June last, & was then approved & ordered to be paid by the Treasurer, together with a Copy of the minutes of that Treaty drawn out of those of the Council, in pursuance of an address of the Assembly of the 28th of Decembr., desiring the same, Which accts. he was ordered to carry to the Assembly, being now mett as Ordered by the Govrs. Writts, & to inform them that the Govr. expected the attendance of the whole House this afternoon, that he was not as yet quite ready to receive them, but he would speedily send them notice again of the time.

The Assembly's Address of the Representatives of y^e ffreemen of y^e Province of Pennsylvania, mett in Assembly y^e 28th day of 10br., 1706, presented to y^e Lieut. Govr. of the said Province.

May it please the Governour:

We understand that the good purpose of the Propry. to induce the savage natives, by a gentle & just manner, & Civil Society, & Christian Religion, was a great motive to his obtaining y^e Royal Grant for this Province. That the last Assembly Considering the great Importance It would be to the peace & Welfare of the Inhabitants of all these the Queens Dominions, That a friendship be settled and Continued between her subjects, and the native Indians of these her Dominions, And that they may not only be Confirmed in the interest of the Crown of England, and alienated from that of our enemies, but also be induced as much as may be by a kind & obliging treatment to Embrace the Christian Religion, Did (amongst other things) Enact, That all necessary treaties should be had & made with such Indians, & their nations, and all necessary messages to them should be Ordd. by the Govr. and Council, for the time being at the Charge of the Publick, any sum not exceeding fifty pounds per annum, to be defrayed upon a warrant from the Govr. & Council by the Provincial Treasurer for the time being. Under this proviso, that a just account of all such Treaties & messages, with the Charges thereof, shall be laid before the Assembly as often as they shall see cause to call for the same.

We find by a Copy of an Order of Govr. and Council of the 25th of June, 1706, That a Treaty had been theretofore had with the Indians of Conestogo, &c. at Philadia. and that the Secry. had laid before the Council Board an acct. of the Charge of that Treaty amounting on y^e Debtor side to £36 2 5, & on the Credit to £13 17—Which account being examined & approved by the Board, The Treasurer was order'd forthwith to pay the ballance, being £22 5 5 out of the fifty pounds per annum allowed by the Assembly for that purpose; But inasmuch as we dont find that any account of the said Treaty has been hitherto laid before the Assembly. Therefore we desire that a just acct. of the same, & all other Treaties had & made wth the Indians, as also of the messages to them persuant to the said Act of Assembly with the particular charges thereof, may with all speed be laid before this House.

And for the better answering the true intent of the said Royal Grant & what we hope was the Design of the above recited act. We Earnestly desire that the Govr. and Council will admitt of no treaties with the Indians, but such as may directly tend to the Honour of God the Interest of the Queen and Publick Good of her people in these parts. and we Request that the occasions & motives of all the said Treaties & messages. as also the names of the Persons who are or shall be Licensed by the Govr. to Trade with the Indians, together wth all the Rules & Orders of the Govr. and Council, for Regulating the Indian Trade may be entred in a Book whereto the subject may have free Recourse, to the End that such as Transgress the said Rules may be brought to punishment, and that the persons concerned from time to time in y said negotiations, as well as those who are or shall be admitted to trade or Reside among the Indians, may be such as Demonstrate their Christianity by a sober and virtuous Conversation, which in our opinion will be the best way to Induce the savage natives to Embrace the Christian Religion, & will most effectually Engage & Confirm them in the Interest of the Crown of England, & Render them serviceable to this Province in General; But on the other hand, If men Imploy'd or concern'd in Indian Treaties or Trade will take those Opptys. to exact upon or Defraud the Indians & Committ suchvile abominations with them, (as we are Informedsome have done to the great Scandal of Christianity,) The poor Heathen will have too much cause to Conclude, That 'tis better to remain in their natural state than advance towards the Christian Religion, especially if they conclude that the Professors thereof will give them no better Examples than we understand some have done, both lately & formerly in their Indian Visits, and moreover we are of opinion, That if such of the french nation as have been at Canada & hold Correspondence there, be not Restrained from Trading with and Residing amongst the Indians, all our Endeavours to Engage them in the Interest of the Crown of England will be to little purpose.

Signed by Order of the House, Nemine Contra Dicente, the 28th of December, 1706.

Per DAV'D LLOYD, Speaker.

The Govr. laid before the Board a speech prepared in writing, which he thought proper to make to the Assembly which was read and approved of, & then Judge Guest and the Mr. of the rolls were ordered to acquaint the Assembly that they were desired to attend immediately, who returning, reported that accordingly they had acquainted the Assembly, & that they would attend without delay.

The Speaker, with the House of Representatives attended, & the Govr. made them the following speech.

GENTLEMEN:

'Tis now 15 weeks since I first recommended to this present Assembly, to agree with me upon such a Law for Establishing the Courts of Judicature, wch were for some time before faln throughout this Province, by her Majesty's Repeal of that Law on wch they were founded, since which we have had no Justice publickly administred in any of the Counties, nor means of Relief against any Villany or oppression, And if we have lived free from open Rapine, 'tis more owing to the honesty of the people than any publick provision made against it, tho' such a provision is in all Govmts. accounted the first and Chief foundation for the security of the whole.

That this want of Justice is an exceeding great failure amongst us, and matter of most just complaint must be readily Confest, Yet after all these 15 weeks mostly spent upon what I expected would be done in fewer days, Unless some measures be altered, we seem to be very little nearer the point than when the first objections were made, lett us therefore, so far look back as to inquire where the obstruction lies, and remove it if possible, that so the Courts may be once again opened with your Concurrence if to be obtain'd, and after whole nine months vacation, Her majesty's subjects may once again find, that Justice by Law in this Province which is dispensed in all the Rest of Her Dominions.

Upon the Objections I made to your Bill, the longest perhaps that ever was drawn up in America, You thought fit to make two or three amendments, the rest you Insisted on to a great part of which (that I might condescend as far as was possible for me,) in my last message I also gave way, and the Chief points we differ'd upon, I then noted to you and gave you my reasons, wch if they did not satisfie I was willing should be debated in a Conference, but instead of joyning with this, or taking any further measures to accommodate the matter, you spent some days in drawing up a long answer to that message, and then without giving me any prior notice you adjourned yourselves for 6 weeks, leaving the whole business, tho' of very great importance to the publick, to lie undetermined in the same Condition it then was, a proceeding perhaps the most unpresidented that ever was known upon the like occasion in any English Govmt., to wch adjournment, tho' extreamly unreasonable, I have notwithstanding so far yielded as to allow you a large space of time to attend your more private occasions.

Now the principal of those objections that I found myself obliged to insist on, tho' you have taken upon you to tell me that I gave no sufficient reasons for them, I shall mention again, and desire you as you think yourselves obliged to Discharge the trust reposed in you by the Countrey, in providing for its safety and well being, to consider with such a Disposition as may best answer the end of your being called, whether the Reasons I have often given you, & shall now in part repeat, will not be thought solid & sufficient by any impartial Judges.

You have proposed that the Chief Magistrates should hold their places during their good behaviour, and that the Clerks should be appointed by the respective Courts, which you seem to Claim as your Privileges, (if they be any) from one Statute of the first of W. & M., & another of the 14th of W.; But I have sufficiently told you, that at my arrival here I found the power of appointing & displacing these officers invested wholly in the Propry. and his Lieuts., that the practice was the same in most if not all her Majesty's Governments in America, & that since it was so lodged here it was not fitt for me to make any alteration in it. And now I shall further tell you, that I cannot think that we, in this Province, are to Copy immediately after every act of Parliament in England, because the same reasons do not hold here as there. I cou'd mention several Acts pass'd in England, that you would by no means, I suppose, agree to enact here, and this act particularly, as it does not reach us, so it has never been enacted, that I can hear of, in any Governmt. immediately under her Majesty. There were some reasons at that time to be given why their then Majesties should assent to such an act of which none will by any means hold here, and I shall further mention some of the Inconveniencies that might ensue upon your Bill as 'tis prepared. You have very widely, from the practice in England, proposed that there shall be three Judges, but without any sufficient allowance to support them in their offices, which if you think the Practice of England in reality ought to be your standard, You should have provided for here as well as it has been done there; but since you are of different sentiments in this point what follows is, that according to y^e Draught we must fill those offices with such men as residing in the Countrey have other business in it to maintain themselves, & yet leisure as well as skill enough to attend this service, & decide the nicer points of law, of which most that live not by that profession, (and such cannot accept of your allowance to the forfeiture of all their other profitts,) are utterly incapable, & therefore the whole method will be found, I can assure you upon my experience, either wholly impracticable, or at least so difficult, that it will be next to an impossibility to find such men, and perswade them at the same time to act, But were it allowed that three such Gentlemen might be found, in case one of them only were depended on upon a particular service, (as at sometimes out of ten Justices, 'tis difficult to find three to make a Bench, & by reason of this difficulty some of the Courts have been known to drop,) then upon any unforeseen Disability or declining of Duty, the Court must fall if it be not left in the Govr. to appoint another in his stead, which by this Bill he has not power to do without a Judicial process. It has been Clamour'd, I am informed, that I would not agree that a Judge should be displaced upon proof made by the Assembly of his official misbehaviour, but whoever Endeavours to insinuate this, is guilty of a gross abuse. I shall never be against displacing any officer, that is once convicted of misbehaving himself, in any point of his Office that may be found worthy of such an animadversion, But to put it out of the Power of the Government to Displace an officer, who possibly may have designs of his own in continuing in place, and yet not discharge his Duty without a Judicial process, is what no reasonable man I think would advise me to. But if the Assembly will agree to allow a reasonable Encouragement to an able professor of the Law, who by his Education and Practice may be qualified for the service & business your Bill cutts out for him. I should then think it more reasonable that as the Countrey pays him, so when he is proved by them to misbehave, he shall lose his place with all its profits. At the first opening of this Assembly, I did not at all doubt but you would readily embrace the Offer of that worthy Gentlemen, who is so heartily approved of by all men of honr. that Know him, & who has already accepted the place here, & only waited for a due encouragement from the Countrey. But I perceive you can not be of the opinion of most others who thought the offer a real Happiness to us, and I wish you may not have faln into the sentiments of an eminent member of your house, Who has under his hand, (as I am informed) expressed his Dislike of that Gentleman for this office for two reasons, of which the first was because he says, He is in the Propry. Interest, & the other, if I know the Gentleman I think is positively false.

As for the Clerks, they are officers who cannot properly fall under the notice of the Crown in England, they lie so remote from what comes under her Majesty's eye, that 'tis not at all strange the power of appointing them should be given to the respective Courts, but here 'tis much otherwise; We have but three Counties in the Govmt., & these can be very easily superintended & all their officers supplied by the Governour, however in this your Charter of Privileges has made Provision, from which I neither will nor can take upon me to recede.

I have now, Gentlemen, spoke fully to this point. Another is the appropriating of fines, wch I cannot agree should be to any other uses than the Proprys. for the support of Government. I find 'tis alledged that in England the Queen pays the Judges there out of the Publick Revenue, and so you would have them paid here. That the Judges are so paid in England is certain, and so are all officers that I have heard of who have any sallaries, for the House of Commons are more dutiful than to direct any other way of paymenl; they take care to grant her Majesty sufficient to defray all manner of Charges, out of wch she is Enabled to answer whatever is requisite of this Kind, these officers fall within what is called the Civil List, which is amply provided for, but I desire to Know, since you would have this Enacted into a Law, wch was never so before, what is the fund you provide for the support of Governmt. to Compensate this alienation, however small; as for the Language you give me of my Pocketing the fines, I must place it to the same acct. with much more of the Kind. I hope the People of this Province will at some time or other learn from Experience that tho' they are Generally Excused from those modes of Civility that are Customarily used, they ought notwithstanding to observe the standing rules of good manners, wch all the Civilized pts. of the world acknowledge to be their Duty, and upon this I shall only tell you that I never yet found an Assembly here that tred the Steps the present House seems to do, inclined to grant sufficient even for the Common support of a Gentleman, & therefore why I should grant any part away of what the Assembly never had the Disposal of, seems very unaccountable, but as to the Value of the fines, I must particularly add, that all those of the rest of the Counties have not yet been equivolent to one fourth of what is raised in the City of Philadia. which the Corporation claims as their own from the Proprys. Gift. I have largely told you before, that to grant the fines to the Queen, while they of right belong to the Propry., would be an injustice to him, & what Her Majesty her self, I am Inclined to think, would neither desire nor be willing to assent to; if 'tis said that, tho' granted to the Queen, they still remain for the support of Govmt., 'tis to be be remembered, that when they are dismember'd from the Proprys. Revenue, while the Governmt. is in him, the Queen then has a right, by her officers, to inquire into the disposal of them, and this seems to Import as if the Propry. were no proper Trustee, tho' of right they belong to him alone. How they ought to be appropriated, I have already told you. As to the Lycensing of Publick Houses, the same answer holds that I have told in relation to the Clerks. It would be absurd to imagine that every Public House in England should have a License immediately from the Crown, 'twould be found impracticable there, but 'tis easy to be managed here by the Governr. It has always been so, & is generally so practiced in the rest of her Majesty's Dominions abroad. The example of England in this Case will hold no better than the act for granting her Majesty an Excise almost equal to the first value on Beer or Ale would to you, if it should be pleaded, But what Privilege would arise from this, or indeed any of the other Points in dispute, to the people, should they all be granted, I can by no means understand. I have proposed to agree to any measures that shall tend to a better Regulation of Publick Houses, without divesting the Propry. of his Just Right, than wch if you propose any thing further, it must be with an Eye to something else than the benefit of the Publick, wch I shall be always as ready to Consult in what is truly so, as any of you yourselves can desire, but I cannot suffer myself to be led away with pretences for the Publick, wch in reality carry no such thing in them, but seem to be levelled at a Diminution of the Rights of that part of the Constitution, in wch I am more nearly concerned without advancing any other.

These Reasons, Gentlemen, I once more offer to you, and if after your late method you tell me you cannot find they have any weight with them, You ought at the same time to remember that 'tis setting up your own opinion for the standard of Reason; Your Proceedings of this kind have been very singular, particularly Your Coming to Certain Resolves almost upon all occasions, & sending these to me instead of Reasons in answer to my objections & messages, as if your Opinion must in all things be my direction in the Discharge of my Trust, and yet when the House of Commons in England have proceeded to Resolves upon a matter in Debate, the Lords have sometimes disputed whether after this they ought to hold any Conference with them, for this Method seems as if intended to Determine the point with those that make them, but I hope you will not build so much on yours, but Consider the end of your meeting, wch is not to Dispute or shew your Talents that way, but to answer the Exigencies of the Countrey. What those are at this time, most people are deeply sensible. There is a great Cry of Oppression for want of Justice; this I have seriously recommended to you, and you have provided a bill for it which notwithstanding my Judgment, and the best advice I can have, can by no means approve of, yet that the Countrey may no longer be without, I have agreed to every thing material in the Bill itself, that's necessary to their Establishment. But this you will not think sufficient, unless I make new Grants that you were never in possession of before, and for which you alledge no Reason but that in England it is so without any allowance for the Disparity between that mighty Kingdom & this Province, one of the least in her Majesty's Dominions, & then you vote for yourselves that thus it ought to be, & stop there. I would earnestly press, you Gentlemen, to Consider what other Govmts. & what impartial men of sense abroad or at home must think you intend by this, in taking measures that no people in the world ever attempted before under an English Constitution. You plead that some far greater Privileges than what you Enjoy are your Right, & that you have been unjustly Kept out of them; but what those are I never yet could hear, either from you or any other person living. If this be really the Case you may have reason to Complain; but to this not only I, but all that I converse with are absolute strangers, and were it indisputably is, Yet ought that to be a reason with you why you should further Debar the Countrey of that greatest of all Privileges, Common Justice, wch you effectually do, while you refuse to Concur in a Bill for settling y^e administration of it, when I am ready without any Delay to agree to, full as much or more than ever you have yet had since you were a people. Lett this be once done, and if you have any further Demands I shall Expect to know the foundation of them, or must believe they are wholly Groundless, for as yet I have never been informed you have Cause for any.

GENTLEMEN:

'Tis not without great Regrett I find myself obliged to Express my thoughts thus. I am very sensible how great an unhappiness it is to any Govmt. when unanimity reigns not amongst it members; seldom has there been a Dissolution by any means but open fforce, where the want of this has not been a forerunner; I would therefore take all possible measures to avoid misunderstandings, and I have seriously reflected upon what might occasion them, wch has led me to consider what I have mett with since my arrival among you. This is now the 4th assembly that has mett me in this Province, of which the two first or a majority of them, unhappily fell into the same measures that seem now to be taken; the same temper then too much appeared, as the minutes of the Proceedings of those times largely shew, & I am sorry I have reason to say that it appeared also in many of the principal members that Compose the present House; The Countrey became sensible of this, I suppose, for the next time they elected, I mett a Different sett of Representatives, who applying themselves in earnest to the business Incumbent on them, went through it with such success that they past about two thirds of as many acts in number as they sate Days, whereas with the two former or with the present, I have not yet had the happiness to Enact one, and yet I can positivelyaffirm that I never was more disposed to pass any act in my Life than I am to see this for Establishing of Courts effected; I request you seriously to weigh this, and not to Give occasion to observe the constant strain of unkindness that runs through your Proceedings to that worthy Gentleman the Proprietary, to whose interest, careand indefatigable application for the advancement of this Colony under the blessing of God, it has principally owed its most flourishing Condition as most Impartial men who have been acquainted with him must and will allow, whatever some thro' their great Disaffection may endeavour to suggest to the Contrary, who now rise up against him as an infringer of your Rights, to maintain & support which has nothwithstanding (as he too sensiby feels) been the Expence of most of his time & Estate since he has known it, & is now left in much worse circumstances than at the first minute it became his . This is so notorious to all who have had opportunities of duly considering it that it should be a sufficient Inducement to all honest men, especially such as living under, and acting in his Govmt. owe him an immediate Duty unanimously to Concur in composing all matters that relate to his concerns here, wch at this time particularly might reasonably be expected from the Representatives of the People, as for your Jealousies of a surrender, & Providing against it there is nothing of this kind more certain than that the Propr's. Endeavours to hold this Governmt. against the attacks that have been made upon it, have occasioned him a great share of his Troubles, nor would he ever yet hearken to any Proposal of parting with it, but upon terms that might leave the People secure & Easy; Would he have given way to any other thoughts, his affairs had been in a much different Condition, all which makes it appear much the more unaccountable to find those whose tongues should be employed in kind acknowledgemt. turn them directly to the contrary. If you believe that should this Bill pass as you now desire it, it would really prove a security in case of a Surrender, You ought to Consider that such a surrender at this time would undoubtedly carry a Repeal of all Laws presented after it, nor would her Majesty ever agree to such a a Constitution in this place, so different from the rest of her Dominions, therefore whether the Propry. hold the Govmt. or part with it, which to the best of my knowledge you have less reason to apprehend than you imagine, 'tis to no purpose to Contend thus since the only effects of it will be to deprive the people at present of that certain and undisputed right of the administration of Justice, and throw all into confusion, which will prove by much the readiest method to produce a Change without any terms at all, & whether those who are inclined to think unfavourably of your Proceedings may not have some Umbrage to suspect that the Spring of these Counsels on which you proceed, has a mixture of some such design may perhaps well deserve you thoughts and Endeavours to guard against.

I have been very prolix to you, But 'tis with a design to save time and not to spend it. I have thus given you the substance of what I think proper you should know from me, & shall, as I have done many other things, pass over whatever your last address contained of the same temper that I have Complain'd of, the Dispatch of necessary Business being my sole aim. Only there is one Paragraph which Extorts my notice, that is where you give it as your Opinion, that it is not in my Power to Establish Courts without your Concurrence, even in my own sense of the matter, To wch I shall only answer, that from the Judgments of persons that I can have a more Certain Dependence on in points of Law, I am assured I have that power and shall assert it whenever there is occasion, and perhaps not much to the advantage of those that shall adventure to oppose it, But I desire the whole should be done by a Law on any reasonable Terms if 'tis possible.

I must further also take notice that in the votes you have published you have resolved, That the freemen of the City and County o Philadia. had a Right, on the first of Octobr. last,to elect two persons for the office of Sherif, to be presented to me, of which I have never yet been sensible. I ask not your opinion at this time, because you have Deliver'd that in y^e mentioned Resolve, but as 'tis only an opinion without Debate perhaps on the other side, I doubt not but that when the Law relating to those Elections is fully Considered that Resolve will appear too hasty, for could I have so understood it, the person you there mentioned should have had the place at that time, for I had no intention to oppose any right of the People upon the point, however the contrary may be insinuated.

I shall now sum up, & upon the whole earnestly press you to Consider what has been said, and if you cannot at present concur in Opinion with me upon those heads I have mentioned, I desire it may, without Delay, be Debated at a conference, & Lett us without further Loss of time Conclude at least upon one act, that is of such absolute necessity that Govmt. without an Establishment of that kind cannot subsist,but become an anarchy, & in which all her Majesty's subjects in the Province are so nearly concern'd.

The Speaker requested a Copy of the said speech, but the Govr. having told them at first, that having no other Copy but that in his hand, he could not then part with it, & therefore desired they would the more diligently hearken to it he told them again, that if the house, notwithstanding what he had said, desired a Copy, he would further consider of it & give them an answer.

A message by two members of Assembly in the name of the House, desired that the Govr. would be pleased to favour the House with a Copy of his speech. The Govr. answered, that he would send to them by a message from the Council.

And the Govr. proposing to the Board, whether it would be expedient to grant the House a Copy or not, since it had been the method of this Assembly to spend several days in answering whatever had been said or sent to them, which had been one great occasion of the Loss of so much time. It was the Opinion of the Board, that if would be more advisable not to grant any Copy at this time, but to press them to a Conference immediately upon the subject matter in hand, viz: Establishing the Courts, and that if in that Conference they should desire to take notice of any part of the said speech it might be communicated to them, and afterwards they might have the whole to enter into their minutes, but that to grant it at present would endanger the Loss of too much time.

Edwd. Shippen & Judge Guest were ordered to carry the sd. message to the House, & then adjourned till to morrow at nine in the morning.

At a Council held at Philadelphia, y^e 5th of febry., 1706-7.

PRESENT:

Y^e Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, John Guest, Samuel Carpenter,	Esq'rs.	James Logan, William Trent, Richard Hill.	Esq'rs.

Judge Guest reported that according to order, Edward Shippen and himself had delvd. the message they had in charge last night, and that the House seem'd inclinable to a Conference.

A message from the House to the Govr. in these words:

Ordered, that Samuel Richardson, Jos. Hoops and Jos. Baker, do wait on the Govr. and acquaint him that forasmuch as by his message last night he was pleased to propose a Conference upon the Bill of Courts, wch this house is inclinable to embrace, Provided the subject matter thereof be first settled & agreed upon. Therefore the Assembly propose that the Govr. will be pleased to acquaint the House with the particulars, which are to be the subject matter to be debated on at the said Conference, with the Reasons of the Govr's. objections to the sd. particulars, and the time & place when & where to be held, and whether wth the Whole House or a Committee; which being intimated & settled as aforesaid, y^e Assembly will be ready to comply with whatsoever may be proper on their parts, to answer the Govrs. Expectations in the Premises.

Which message being taken into Consideration, & some time spent in the Debate, it was resolved that an answer should be sent to them in a message as follows:

The Govr. proposes the Bill of Courts as last sent up to him to be y^e subject of the Conference, but more particularly those heads mention'd in the latter part of the Govrs. last message to the House in writing, sent on y^e 24th of December last, beginning at the Paragraph mentioning that the Power of appointing and Removing Judges and other officers, was invested in the Govr. at his arrival,

&c., and from thence to the end of that paper. Most of the Reasons for those objections have been mentioned already, and being to be debated at the Conference itself, 'tis improper to give them now, because it would disappoint yᵉ End of yᵉ Proposal, which is to accommodate the matter by discourse, if possible, without further loss of time.

The Conference is desired with the whole House to morrow, at two in the afternoon, at which time notice shall be given of the place.

Ordered, that Judge Guest carry the said message, and then adjourned till to morrow at ten in the morning.

At a Council held at Philadia., yᵉ 6th of febry., 1706-7.

PRESENT:

Yᵉ Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
John Guest,
Samuel Carpenter, Esq'rs.
Thomas Story,
Caleb Pussey,

Jasper Yeats,
William Trent,
Richard Hill, Esq'rs.
James Logan.

A Conference with the Assembly having been appointed yesterday to be held at two this afternoon, the Govr. proposed to the Board to Consider the points that were to be debated, and the whole subject matter being the Bill of Courts, It was Ordered to be read, and as it was reading, so far as there was time, at the present sitting, the following heads were marked.

The Constitution of the Provincial Court not the same here as in England, to be an argument, why since the Assembly differs in that material point, they ought not to Claim every other part they desire.

Pa. 2. Appointmt. of Clerks to be by the Courts, not allowed.

The Seal of the Provincial Court to be that of the Province, kept by the Secry.

Pa. 5. V. Writts of Certiorari, to be better explain'd.

7. Judges Commissions to be Durante Bene placito only, and the method of their being convicted upon an official Misbehaviour, to be discoursed.

XI. Licensing of Publick Houses, not to be altered.

12. Fines not to be granted away from the Proprietor.

Limitation of the time for the sitting of the Provincial Courts, not safe.

13. The power of the Corporation not to be enlarged.

14. Upon removal of Causes out of the Mayors Court into the Supream, the fines not to be granted to the Corporation by act.

15. Justices of the County and City, their Jurisdictions, by which the whole power, even in Civil Cases, are granted to the Corporation alone, not to be allowed.

Clerks nominated by the Justices, and Justices signing writts, not to be allowed.

16. Judgments not to be given at the 6 weeks Courts.

The Board having proceeded thus far, the time appointed for the Conference drawing nigh, the Council adjourned for an hour & a half, & appointed after that time, viz: at half an hour after two, to meet at Edward Shippen's, and hold the Conference there, of which the said Edward was Ordered to give the House notice.

At a Council held y^e same day in y^e afternoon, at E. S.

Present: the same as before.

The Council being sate, the whole Assembly waited on the Govr. in order to hold a Conference, and the Speaker presented the House accordingly for that purpose, and being all seated, the Govr. told y^m that finding much time had been lost in sending messages and receiving answers, he thought ffit to propose his method of Conference which he had found to be the shortest and most effectual for dispatch of business.

The last two messages, by which this Conference was appointed, were read; And the whole Bill being first mentioned to be y^e subject, the first head agreed upon to be debated was according to what had been before proposed, the Right and Power of appointing and Removing Judges, & y^e Clause in the Bill was read.

The Govr. told the House, that at his arrival in the Province he found the Power Lodged in the Proprietor and his Lieuts., but that by this Clause the Assembly would have a power to turn out the Judges when they thought fit, and without any Conviction, but the Govr. would have no power at all, which was most unreasonable.

The Speaker desired their last answer upon that head might be read, which was, that they did not propose that the Judges and Justices should be otherwise appointed than by the Govr., but that they may be removed when they are proved Guilty of Official misbehaviour, and that this was according to Judge Mompessons Draught, which he prepared pursuant to a Statute made in the last year of King Williams Reign, in order to be putt into the Bill of Courts here, &c.

The Speaker proceeded, that seeing it was thus enacted in England, tho' it did not reach us, Yet the People of this Province had a right to Claim it, and therefore the Assembly thought it incumbent on them to enact the same here.

It was answered, that whatever was enacted in England was for certain reasons that were strong enough with them, but they might not hold here where we are under such different Circumstances, but that the Assembly ought further to explain what was intended by that Clause in the Bill, where 'tis positively said, that upon an address only from the Representatives, the Govr. shall remove any Judge and shall appoint another.

The Speaker said it could never be intended that the Govr. should turn out an Officer without sufficient reasons shewn him for it by the Assembly, for without this he would have just cause to Slight their address as trifling.

It was then desired y^t^ if this were the meaning of that clause, it should be so expressed in plain terms, and be fixed how the Conviction should be; The Council proceeded and said, that should the Assembly impeach any man it was but an accusation, that it has been the fate of Innocence in most Reigns in the world at some time or other to be accused, and if this were sufficient to condemn a man none would be safe, but the great security is that there must be a Trial, and if upon a fair one any man is convicted he has but Justice; That in the Bill there is no mention made of proof or Trial, nor if it be intended there should be any such, does it appear how it is to be obtained. It was observed, that in England the Parliament consisted of a House of Lords and a House of Commons, that the House of Commons are no Court, for the whole House cannot administer an oath, but the House of Lords is a Court of Record where a fair Trial may be had, but that our Assembly having no such authority there can be none before them; that before any person should be condemn'd he ought some where or other to have that Justice, and that this should be agreed on and inserted in y^e^ bill, especially seeing the House declared that was their sense of the matter, and that an officer should not be removed but upon Proof & Conviction. The Speaker insisted that the bill in that point was according to act of Parliament, and it was not safe to recede from it, that the practice of England would best declare the method when there was occasion to use it, and there they desired to leave it.

'Twas answered that the Constitution of England and ours much differ'd, that the Parliamt. there had their Journals for their directions, to which in cases of difficulty they had recourse; that there could be no such thing here; That it was to no purpose for the Assembly now to say what their intention or meaning is in any clause, for when an act is once in fforce the express words alone must be y^e^ Rule, & these in the Bill positively say the Govr. shall remove one Judge and appoint another without any Conditions, and barely upon an address, which, whatever the House may alledge, neither is, nor ever was, so in England.

The Speaker and other members desired that it might be referred to that act of Parliament which not being at hand, they further craved the point may be left.

It was objected that the issue of y^e^ debate ought not to depend upon the act, for tho' that should even prove to the purpose, that has been mentioned; Yet it did not follow that because it was so in England, therefore it should be enacted here, unless the same reasons held with us as with them.

This point was then left, and the Govr. proceeded to the Clause which appoints the Judges to hold their offices during their good Behaviour, to which he said, as before, that in this Province he understood their Commissions had always been durante bene placito, and no otherwise, and he saw no cause to make an alteration. The Speaker pleaded that in England the Judges held their places by virtue of an act, past in the 13th year of K. William, as it was now proposed in the Bill here, and Judge Mompesson, in his draught for Establishing Courts in this Province, had also done the same, & that as it now is the peoples Right in England, so that Right followed them here.

The Govr. told the Speaker that he knew nothing of that Draught, but desired to know whether any Govmt. in America had followed the example, if it were fit to be practised here, it as much concerned the rest of her Majesty's Plantations, and asked if ever they heard of any such Constitution abroad.

It was further said, that the mention'd act of Parliament was Enacted long after the settlement of this Govmt., so it could not give a right to the People here.

The Speaker produced a printed piece, called the frame of the Governmt. of the Province of Pennsylvania, containing Concessions granted to the adventurers into the said Province, by the Proprietor, in the year 1682, at London, by which the Magistrates & officers to be by him appointed, were to continue in place during their good behaviour, from whence the People of this place, he said, had a Right to what they Craved.

The Govr. asked if that frame of Govmt. were now in fforce.

The Speaker answered, they hoped to prove it to be still in force, at a proper time.

It was asked if that were now in force, since the whole Constitution there laid down, is so different from yͤ Present, which makes them an Assembly, by what power they could at this time act as an assembly, Since they are not so, according to the Constitution, which they plead is in force.

It was further desired that it should be Explained what was meant by a proper time, in which they might prove that Charter to be in force; if it be pleaded here, to shew the People's Right, what time can be more proper than the present, in which the matter is debating.

The Speaker waved this, and proceeded to plead that it was the People's Right, that formerly the Judges in England held their Offices upon the terms that were desired here, tho' afterwards by some means or other it might be changed, that he had heard of some before yͤ Enacting of that Law, who would not accept of the office upon any other terms.

That the methods used in the Reign of K. James to make the

Judges countenance his arbitrary proceedings and the abuses that followed upon it, shew'd the Parliament in the following Reign y^e^ necessity of putting it out of the Power of the Govmt. to displace any Judge but for an official misbehaviour; that by the mention'd act the Right of the People was only Restored to them, for it was theirs before, however they had been Kept out of it. This of Restoration could not be agreed to, But it was answered that the Parliament of England might doubtless have good Reasons to have such a Law Enacted, but the same would not hold here; that in y^t^ Kingdom there is a great choice of good men, but here 'tis difficult to obtain any to accept of the place, for there is no provision made for their support; that they should settle a Salary, to make it worth the acceptance of a Person duly Qualified, as 'tis in England, where they have large salaries, and then there might be some more shew of reason for the Assembly to direct his continuance.

The Speaker replied that such a settlement might be made hereafter by a particular act for that purpose.

Some of the Assembly insisted on it that at some time or other there might also be occasion for it here as in England, that there the Queen might be sued, and an occasion might also happen here perhaps to have a Dispute with the Proprietor or Govr., & therefore it was fitt that the Judges of the Difference should be under no awe or fear of Loosing their places.

The Govr. replied that there had been no Inconveniencies found from this method of holding their places durante Beneplacito since the Govmt. first began, but that very great Inconveniences might arise, as we are circumstanced, if a Judge could not be removed but for an Official misbehaviour, that there would be no pretence for removing an able, good man, where there is such a very slender choice, and an ill man that proved so after he came into office, could not be putt out of it without his own Consent to make way for a better, unless such misbehaviour could be fairly proved against him, which might be a Difficult point, & therefore might be extreamly inconvenient here.

But the Govr. told them it had never yet been thus in this Province, there had been no justice now administred in this province, nor Courts held for near nine months past, that it was no time now to Contend for these priviledges if they accounted them such, and thereby delay the opening of the Courts again for want of which the people were most grievously oppressed, as if the obtaining of what they craved in a point that is not essential to the being of Courts must be the very terms on which the countrey must be admitted to the Priviledge of Common Justice.

The Speaker said he thought a Judge was essential to the being of a Court.

The Govr. said he had delvd. nothing to the contrary, & admired he should pervert his words after such a manner, that tho' he knew a Judge is essential to a Court, yet no man would offer to say that it was essential to the Being of Courts whether his commission was to be in force during the Govrs. pleasure or his good behaviour. And to maket his disputet he occasion of withholding common Justice from the Queens subjects was a great hardship upon them; Besides it seemed as if the Govrs. assent to whatever they thought ffitt to crave must be the very terms of the Peoples having any Courts at all.

The Speaker answered that they made not this the terms of the Peoples having Justice.

The Speaker after his first standing up when he presented the House to the Govr. in Order to hold the Conference, having kept the seat for the first two or three times he spoke, and afterwards at the several times he had occasion to speak, sometimes standing but often sitting and at length continuing to sitt altogether without rising at all, as all the members of Council did & always do when they speak at the Board to the Govr. and as the rest of the members of Assembly then likewise did, the Govr. told him that those that spoke to him upon such occasions always stood up, that he must desire him to do the same, for it was necessary in point of good Orders, that whoever spoke should stand all the time, which secured him from Interruption.

The Speaker answered, that as he sate there he was the mouth of the Countrey, being the Speaker of the House of Representatives, that he was to take his directions from them, and ought not to be abridged of his Liberty.

The Govr. asked what he meant, if he intended by that a ffreedom of speech it was not denied him, for he had it fully, but that it was necessary for Decency and Good Orders, that whoever spoke in a Conferance with him should stand at the time, and then proceeded to argue with him upon the Business in hand, which was the latter part of what is before mentioned.

The Speaker made two or three short answers to the Govr. upon the same subject, still keeping his seat, and so continued to speak as there was occasion without once moving, upon which the Govr. told him again, that if he spoke to him there he must stand up as others did, otherwise there would not be much notice taken of what he said, for it was necessity for the reasons given. The Speaker told the Govr. he must desire his Excuse, in any thing that lay in his power he should be very ready to pay him all civil regards but he could not answer him in this, the Govr. continued to tell him of the necessity of every man standing when he spoke, and that he ought to do as others in that case did.

Upon which the Speaker arose and said he was a free agent, and not to be directed by any but the House, that he could continue no longer there, & therefore must break up the conference. The Govr. asked what he meant, would he break up the Conference upon it. He answered yes, he had authority from the House to end it when he thought fit. The Govr. asked if he did it then upon that occasion, he answered yes for he was affronted, so the whole House rising departed abruptly with him. As the Representatives were going, the Govr. told them that they saw how a Conference he had appointed for the service of the Publick was broke off by their Speaker, & upon what occasion, & desired that accordingly they should remember it, but they all departed without any further answer.

Upon their Departure the business being thus broke off, the Board adjourned to ten in the morning.

At a Council held at Philadelphia, y^{e} 7th of febry., 1706–7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Judge Guest,
Samuel Carpenter,
Thomas Story, Esq'rs.

Caleb Pusey,
Willm. Trent,
Richd. Hill,
James Logan. Esq'rs.

The Govr. informed the Board that last night, soon after the Council rose, he reced. a message from the House by 6 of their members very nearly in these words: They were sorry that the misunderstanding that happen'd between the Govr. and y^{e} Speaker should break off the Conference last night, which they were desirous should be proceeded upon. That they desired in the Conference their Speaker might have leave to sitt, or if the Govr. could not agree to this, that then they might hold the Conference with the Council only without the Govr.. and they added, being asked that what the Speaker did was not by order of the House.

A message from the Assembly by two members, requested an answer to their message of last night. It was answered, that it should be sent, and the following was agreed on and Ordered to be sent in writing.

The Govr. is also sorry that at such a Juncture the House should, without any occasion given, put an end to their Conference, which nothwithstanding he is willing should be continued, But seeing the House declares that they gave no directions to their Speaker to misbehave himself in that point in which he did, and from whence he took the Occasion, the Govr. expects they will now give him directions to behave as he ought, and that he shall first acknowledge his past Error, for as the Govr. is in this Govmt. the Queens Representative he thinks himself obliged, while in it to assert her Majesty's Authority, and Require in all Conferences a due Regard to be paid to it, and especially in a point where 'tis so necessary to the Dignity of Publick Order, as Established and maintained by the practice of all other Govmts.

Ordered that Saml. Carpenter and Richd. Hill Carry the said message.

At a Council held at Philadelphia, y^e 8th of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest,	Esq'rs.	James Logan,	Esq'rs.
Samuel Carpenter,		William Trent,	
Thomas Story,		Richard Hill,	
Caleb Pusey,		Joseph Pidgeon.	

A written message from the House in these words:

Ordered that Ezra Crosdale & Wm. Garret do wait upon the Govr and acquaint him that as the Assembly have shewn their Readiness to obey his Commands in Convening before the time appointed by their own adjournmts., so the promoting and advancing the Publick Good was and is their only aim, and more particularly the Bill of Courts which inclined the House so readily to embrace the Govrs. Proposals of a Conference thereupon, And to wave all resentments for the present which the harshness of the Govrs. message this day, as well as his late speech, (whereof we have yet no Copy, may Justly occasion wch with our request last night for Continuation of the Conference (we hope) is a sufficient Demonstration of our sincere Intentions in the Premises.

And that we are in earnest Desirous that the Courts of Judicature should be again opened for the Relief of the oppressed; and as we were sorry the Conference broke off as it did, we are also glad to find the Govrs. readiness to continue it.

As to the misunderstanding which happened between the Govr. and the Speaker, who was by the appointment of the House the only manager in relation to the legal part of the Bill, he has given the House satisfaction that his keeping his seat while speaking, at the latter part of the Conference, was purely for his Ease, and not with any design to offend the Govr., neither could he conceive it an offence, being a priviledge allowed here formerly on the like occasion, and never objected against that he knows of, therefore he had reason to expect the same Civility now, but instead thereof, the Govr. commanded or required him to stand up, or little notice would be taken of what he said, whereupon the Speaker, considering that he was at a free conference upon matters of Legislation wherein the Kings Letters Patents make the Concurrence of the Govr. and Representatives equally necessary, tho' as he exprest he was willing to pay all Civil Regard to the Govr., yet he was not to be commanded or directed upon that occasion but by the Assembly, so that he Judged it proper to break up for the Present, & return to the House, in Order to take their Directions for the future managemt. of the Conference, which the House is of opinion was more prudent than that the misunderstanding (like to be occasioned thereby) should be aggravated to such a height as to have terminated in unseemly language.

Therefore we humbly propose that to avoid the like misunderstanding for the future, & that more time be not lost, but that the Conference may be carried on & the Preliminaries (that should have been first agreed upon) be forthwith settled and adjusted, which if the Govr. please, we propose to be by a Committee of this House & an equal number of the Govrs. Council, or others as he shall think fitt to appoint, and this the House insists upon to the End only that they may Speak their minds with more freedom, and with all they are informed that it is not the Practice in other Provinces that the Govr. should be present at free Conferences.

Which message being fully considered, the following was Ordered, in answer ffrom y^e Govr. to the Assembly, febry. y^e 8th., 1706-7.

The Govr. expected that his message to the House, sent yesterday in writing, would have appeared so mild and reasonable, that it would be impossible to find in it any matter for Resentment, all that was required being only that the Speaker should acknowledge his past error, and that directions should be given him to avoid the like for the future. But seeing the Assembly, by their written message of this day, have thought fitt to plead for and defend the Speakers disrespectful behaviour, and his bringing a Conference appointed upon a business of such great Importance, to so abrupt an end, without any other occasion given than that after he had for a long time together kept his seat, when he spoke he was for the sake of decency and good order, (as well of his Duty,) required to stand when speaking as all others there did, By wch the House, instead of disallowing his Conduct, seem unhappily to involve themselves as parties with him, and further from y^e Kings Letters Patents, which here as in all others of her Majesty's Govmts. make the assent of the ffreemen necessary in Legislation, seem to infer an equality between the Queens Representatives and the Peoples. The Govr. thinks her Majestys honour and Dignity so nearly concerned in the point, that he cannot now wave the affront without a suitable satisfaction, and must inform the House that none of her Majesty's Subjects, in this Province, can be exempted by their being in the Assembly from their Duty and obedience to the Govmt., in a point which makes no infraction upon their Priviledges. That it is no Priviledge of any Representative of the People, either in England or elsewhere, to sitt when he speaks to the Superior of that People; That the Govr. having the chief command of all the People in this Province is theirs, & therefore their Representatives Superiour, and in behalf of her Majesty, our Sovereign must exact their Duty and respect; That the Speaker of the House can have no more authority in his own person at a Conference than any other member, and that when any particular respect is there shewed him 'tis only of Courtesy; That in such Points where there is no Special Priviledge, he is under equal obligation with any other person, and the Govr. expects, that not only the speaker but all others shall behave themselves accordingly.

If the House will in this point discharge their duty, the Govr. is very ready and desirous the Conference should be continued, and upon this occasion thinks he is obliged to be present at it himself. But if for the sake of defending a particular persons contumacy, of which the Govr. cannot now in regard to her Majestys Authority wave taking notice, they shall neglect the Interest of the Publick so deeply concerned in the Bill which has been so long before us, the Govr. must, without further loss of time, proceed by virtue of the Powers with which he stands invested to discharge his Duty in opening the way to Publick Justice again. Ordered, that Richd. Hill & Jos. Pidgeon, do deliver the said message to the House, and then adjourned till 2d or Monday next.

At a Council held at Philadia., y^e^ 11th of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Esq'rs.	Caleb Pusey,	Esq'rs.
Judge Guest,		James Logan,	
Saml. Carpenter,		Wm. Trent,	
Thomas Story,		Richd. Hill.	

A message from the assembly was delivered in Writing in these words.

Ordered, that Saml. Richardson and Joshua Hoopes, do wait upon the Govr., and acquaint him that we are very sensible that his being commissionated by the Proprietr., and Receiving the Royal approbation, with other necessary Qualifications required by law, He may be deemed the Queens Representative, and Justly demand Superiority over the People of this Province, and in that state the representatives of the people are to address him, and sue for justice against evil ministers, and in all matters wherein the Govr., by virtue of his Lieutenancy has power of Judicature, we hold it our Duty, so far as our Circumstances can admitt, to comply with what he may reasonably direct. But in matters meerly Legislative, we conceive (without the least Derogation to the Govrs. Honour,) that the Royal Charter gives us a concurrent power with him, so that we are free agents to propose what we think fitt to pass into Laws, which the Govr., by Vertue of the Legislative authority, may reject or disallow, and so may this House by the same authority dissent from what the Govr. thinks fitt to propose Legislatively; and when it happens that the Govr. and House of Representatives differ in opinion upon any point relating to Legislation, Its proper that free Conferences should be had, and in those Conferences we are humbly of opinion it would be convenient and necessary, that the Govr. allow the like freedom as the Lords Committee do to the Commons, who in their free Conferences sit at a table where every one has freedom of Speech & Gesture, and not under the Check of a Chair man as we are informed. And as such Conferences are necessary, so the method and manner of such Conferences ought to be settled, But that the Bill of Courts, which has been with so much care and Pains prepared by this House, & so long stuck at that Board being of such Importance to the Countrey may be brought to some result. We are willing to Confer with the Govr. when and where he pleases to appoint, and we shall give such instructions to the managers on our part as we hope shall give him no just occasion of offence. And as to what happen'd at the last Conference, we desire that the Govr. may be satisfied, (as we are) That the Speakers keeping his seat when he spoke at the latter part of the Conference, was not with design to offend or affront the Govr.; Therefore, we do intreat the Govr. to pass it by, and go on with the Conference which so highly concerns the Publick good, and that nothing expressed by us in relation to that misunderstanding, should be deemed or construed to Extend to the Defence of any misbehaviour, which we assure him, neither was nor is the intent of this House.

Which message being considered, and Particularly that the House, tho' they had exprest themselves in much softer terms than usual, yet they had said no more in this than in their former, & still persisted in defence of their Speaker. The following answer was Ordered:

The Govr. is extreamly desirous the Conference should be Continued without delay, in hopes that what he has long and most earnestly pressed may be effected by it, But as the subject of the late messages is now brought very near to concern her Majesty's authority, he cannot pass it over without some further satisfaction in the point, and to avoid loss of time as much as possible, the Govr. briefly acquaints the House that the power granted to the Assembly of dissenting in matters of Legislation, which is not disputed, being no more in this Province than the Commons Enjoy in England and the rest of her Majesty's Govmts. no nearer Equality can be inferr'd from thence between the Govr. and Governed, than in those other Govmts. That which is alledged of a Conference between Committees of y^e House of Parliamt. in England, (were what the House advances exactly true in fact,) will by no means hold parallel in the case in hand, unless it were first proved that those Lords appointed for the Committee had in themselves at other times the Chief Command over the Commons. That the Govr. finding himself obliged to assert the Queens Authority and Dominion over her subjects, cannot give way to any allegations or pretences whatsoever, that plead for the Equality mentioned in his last preceeding message to the House, & which theirs of this day still seems to support, tho' in other points more smoothly exprest; But must insist on it, that in all matters where the Real Privileges of the House are not infringed, a due Deference shall be paid by all persons under his Govmt. to that authority with which he is invested; That the Speakers behaviour at the Conference, however it might at first be intended, was at length affrontive to that authority, & accordingly the Govr. expects he shall acknowledge it by order of the House, and that they will take effectual care that the like be avoided for the future. Upon which the Govr. will be very ready, without any delay, to proceed to the Conference, and to this the direct answer of the House is immediately required.

At a Council held a Philadelphia, y^e 12th of febry, 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, John Guest, Thomas Story, Caleb Pusey,	Esq'rs.	James Logan, William Trent, Richard Hill, George Roche.	Esq'rs.

A message from the House was read in these words:

Ordered,

That Joshua Carpenter and Henry Paxton do wait upon the Govr. and acquaint him that though we hoped our last answer would have given him full satisfaction in Relation to the present misunderstanding, occasioned at the late Conference, yet finding by his message just now sent to the House he expects some further acknowledgement, the house has thought fit to signifie; that the Speaker having submitted himself, in relation to his Deportment at the said Conference, to the Censure of the House, As to the place where he is properly accountable for any mismanagement there; and the house having Considered, that no Rules nor Orders were Enjoyned him or the other managers, in relation to modes or Gestures of sitting or standing while speaking, (as not apprehensive of the Consequence,) cannot, with Colour of Justice, Censure him for mismanagement or otherwise, for Breach of any Rules or Orders of the House. But for as much as standing up whilst speaking before the Govr. is acknowledged by us to be a Decent and Convenient Posture, we have Censured the Speakers sitting whilst speaking as he did, to be Inconvenient, & had we in the least forseen the Consequence, and that the Govr. would have resented it as he did, would have taken measures to have avoided it, and how we have resolved for the future, our late answer will shew. But seeing the Speaker has submitted to the Judgment of the House, and satisfied us that it was not with design to affront the Govr., We hope the Govr. will consider and accept of our proceedings & acknowledgements in the premises, as full satisfaction, (being the ultimate we can give, and without Delay proceed with the Conference, or otherwise pass the Bill, it being the opinion of the House that the mattors now under Consideration (however high y^e^ Govr. may strain them) are not sufficient to retard or obstruct y^e^ Publick Good, which being fully debated and Considered, the following answer was agreed on to be returned to the House.

GENTLEMEN:

I have since my arrival in this place mett with so many failures in point of Civility, that for my own part I should be extreamly backward in Resenting them, where I could have reason to believe they were not so intended, and had your Speaker, upon my taking notice of his Undecency in keeping his seat, but altered his carriage in it, this week would have been saved to the Countrey, which now by his obstinacy is entirely lost. Since that you have brought the matter more particularly to Concern Her Majesty's authority in Govmt., upon acct. of which I thought myself chiefly obliged to insist upon satisfaction, Which seeing you now Inclinable to offer, in censuring the speaker's behaviour, upon his submission to the House, which ought at first to have been done, that you and all reasonable men may be convinced that I am not willing to have one hour lost that may be laid out on the countrey's service, I again offer you a Conference upon these terms: that at your opening it the Speaker shall with due submission on his own behalf, and by order of the House, acknowledge the Irregularity of what is past, to which if you fully agree, I shall expect your attendance this afternoon at three a Clock, at the Treasurers house, where, till this be done, I cannot think it by any means proper or safe for me, in the Just discharge of my Duty and trust, to proceed to any further Debates.

A full Complyance wherewith I immediately Expect to be satisfied of, by a message from your House, which only can, notwithstanding any pretences, convince the weakest Judgments you are really desirous in Earnest to serve the Publick now in necessity.

JOHN EVANS.

ffebry 13th.

Two members of Assembly delv'd the Govr. a Written message in these words.

Ordered that Saml. Richardson and John Hoopes do wait upon the Govr. and acquaint him that the Speaker is willing at the Request of the House & for dispatch of the business in hand to make the like acknowledgment to the Govr. at the time appointed for the Conference as he has done to the House, the substance whereof is contained in our last answer.

To which the Govr. was pleased to send his answer in his own handwriting by the Secry. in these words.

The terms I offered the House this morning for a Conference this afternoon is the very least that can amount to satisfaction, which I do and shall expect exactly as is there required without the least evasion.

JNO. EVANS.

At a Council held yᵉ same day, viz, yᵉ 13th of febry. 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Judge Guest, Samuel Carpenter, Thomas Story,	Esq'rs.	Griffith Owen, James Logan, William Trent, Richard Hill.	Esq'rs.

Griffith Jones and ffrancis Rawle in a message from the House, informed the Govr. in these words, That the last message sent to him was the ultimate Resolve of the House, without any Evasion, and further they cannot go upon that head; therefore if the Govr. please to Continue the Conference, the House will attend him at the time and place appointed this afternoon.

To which the Govr. answered, that what he had sent them this morning under his hand was the least he could accept of, or they Propose; that he hoped the House would consider of it, and without any more to do attend at the Conference, for which the time appointed was now at hand, and that himself and Council would immediately adjourn to the place he had named to them, viz: the Treasurers House where there was a large Room with all conveniencies, ready to receive them.

Accordingly the Council adjourned directly to the Treasurers, where having waited near two hours & none of the Assembly coming, it was proposed to adjourn till morning, But Just then the Govr. reced. a message in writing from the House by two members in these words.

Ordered, That Joshua Hoops & Jno. Roberts do wait upon the Govr. and acquaint him that since the Govr. does not think fitt to accept of yᵉ satisfaction we proposed in our answer to his written message this day, we again desire him either to Confer with a Committee of this House, or give his Result upon the Bill of Courts, shewing us wherein the same or any part thereof is inconsistent with Law or reason, (as we formerly desired) for this House is willing to Concur with the Govr. in any reasonable amendment, without further Conference.

Which message the Govr. having recd. out of Council, he informed the Board That he answered to this purpose.

That he was heartily sorry the House could not think fitt to answer a proposal that in itself was so easy, just and Reasonable, that he would be glad to take any measures to proceed to business, that the Countrey might be relieved, and that if the House would be so obstinate, it must lie at their Door; That he could not answer for betraying the authority with which he is intrusted, should he put up that affront upon any other terms, for her Majesty's authority was touched in it; that he would by no means infringe the least priviledge that the people could justly claim, and thereupon asked the said members whether they took what he required of them to be any breach or infraction upon any of those priviledges or whether it carried any hardship with it: to which they freely answered that they could not say it was a hardship, but yᵉ the House did not think fitt to Order the Speaker to do more than what he of himself was willing to. The Govr. told them further he would consider their message & send them an answer. And the said message being taken into Consideration, it was Ordered, That notwithstanding by the several long written messages sent from this Board to the House, they were not only fully acquainted with the objections made to their Bill, but also the reasons for those objections had often been rendered at large, Yet once more a full and positive answer to the House should be drawn up & sent to them, which the Secry. was ordered to prepare out of what had been already agreed upon at this Board, and that the whole Case should be clearly stated to them, and in the Close, the House should be earnestly press'd to Discharge their Duty to the Countrey, otherwise the Govr. would be obliged without further Delay to open the way to Justice without them & Establish the Courts by an Ordinance, & then adjourned.

At a Council held at Philadia, yᵉ 15th of febry., 1706-7.

PRESENT :

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Saml. Carpenter, Thomas Story, Esq'rs.
William Trent, Richard Hill, James Logan. Esq'rs.

The answer ordered to be prepared to be sent to the Assembly was laid before the Board, and after some debates was agreed to, in these words, viz :

GENTLEMEN :

You have now given me, and the rest of the world, very great reason to believe that your concern for the Common good is not so real as has been pretended, since you prefer an obstinate humour in Defence of an irregular & affrontive behaviour to all other considerations relating to the Publick; and Especially after the terms of satisfaction were made so easy, that there was no more required, than that you would Order the person Offending to acknowledge his Error where he had committed it. But notwithstanding, such proceedings might with good reason Discourage me from treating with you any further, I shall yet make all those resentments that your conduct might Justly raise so far to yield to my Earnest desire of advancing the Interest of the Publick, That I shall once more give my Result upon the Bill, and propose to you the Terms on which it may be Enacted; But shall first observe that your particular manner of Judging of all objections made to what you Offer, very clearly Evinces how great an authority you bestow on your own opinions. You have frequently very Peremptorily put the Question, and asked wherein you Crave any thing that is repugnant to law or Reason, in which you seem to forget, that tho' the Assembly has a Concurrent power in Legislation, & Law cannot be Enacted without them, Yet in all Govmts. the Govrs. part being at least equal, according to your own notion he must have an equal Liberty in proposing, accepting or refusing, and therefore is no further accountable to the Assembly for his reasons in rejecting any proposal that is made to him, than they generally show themselves after a matter is thrown out of the House by a Plurality of voices. If by saying what you ask is not contrary to Law, you mean there is no law against it, the same may be pleaded for a thousand Extravangancies against which the Law has made no provision. But to determine whether it be repugnant to reason, or not requires some other Tribunal to ascertain what is reason, for however high you may rate your Opinions, it would be much too arrogating in you to Erect a standard to Judge of the reasons of others, who have an equal freedom of Sentiments and Opinions, I have often given you my reasons, tho' I'm not obliged to render any, why I cannot assent to your Bill as you have proposed it, wch are sufficient with me, and notwithstanding any thing I have heard are likely to continue so, and I shall here sum them up once more.

I cannot agree, that when a Judge is once appointed it shall be out of the Govrs. power to remove him, but upon an official misbehaviour which requires a Process at Law, and yet the Assembly shall have it in their power to lay him aside when they please, only by addressing the Govr., and without any Trial or Conviction; for this your Bill directly and positively provides, whatever evasions have been used to Colour it now, that the Judges and Justices shall of themselves have the power to appoint or displace such considerable officers as y^{e} Clerks at their own will and pleasure. To offer my reasons for this might justly be accounted superfluous, they are of themselves so obvious; for as to the Judges, as we are circumstanced, it differs very little from granting away the whole power of appointing them at first. There is no Salary Established with the Bill, as 'tis in England, for that is to be still precarious and Dependent of the Assembly; then Altho' the Govr. may appoint whom he pleases, they can as often displace him without rendering a reason; besides that there is no pay for him till they think fitt to grant it, and when a person is found that suits a certain humour, however contumacious he may behave himself to the Govmt., for which there is no probability of his being removed by the House as matters now go, The Govr. is to have no manner of Power over him or check upon his behaviour; he may proceed to the greatest insolencys and plead Priviledge or Law for it, and perhaps make a sufficient number of the Representatives who may be unacquainted with both, believe that he is really in the right, and then he stands secure. I assure you Gentlemen, since it is now in my power to prevent this in a Judge, I shall take care that in my time it shall never be so. You have pleaded a Statute of England for the President, but have in the latter part most unjustly perverted both the words & sense of the clause, for the Parliament never enacted, that a king shall turn a

Judge out upon their address, but that it might be Lawful for him so to do, which without such a clause, it would not have been but upon Misbehaviour. The first part which makes the Tenour of their Commissions to be Dum se bene gesserint, were our circumstances the same in y^e^ point with the Judges of England, might the more easily be granted here; they have great plenty of able men to supply those places, out of whom they can make such a choice as needs not to be mended, and then they have a certain ffixt sallary allowed them, independent both of the Crown and People, But here we must accept of such as we have and mend the choice as better shall offer. If you, however, will find a person altogether fitly qualified for the office of Chief Justice that I can approve of, and will grant him a sufficient Sallary, as independent as the Judges have theirs in England, I shall not scruple to grant him the Office to hold upon good behaviour, nor shall I oppose your makeing it as Lawful for me to turn him out upon your address, as that act of Parliament makes it in England, So y^t^ you see I am willing to grant even the whole that is contained in the very President you plead, Provided you will come up to the same on your side, but I have some further reasons why I think it very improper for me to assent to that part of the Bill as you have proposed it, for the Govrs. of her Majesty's Colonies abroad being principally answerable to the ministry at home, for y^e^ management of affairs in their Respective Govmts. would be found extreamly deficient in their Power, were they uncapable of removing any person out of Office, whose male feasance might give the ministry occasion to Command him to be so removed, wch in those parts sometimes happens, & therefore provision should be made accordingly.

Secondly. There is such a Train laid in the said Bill, that when once the Assembly, (which while some particulars have had a sway in it, has too frequently taken y^e^ opportunity of raising and improving a misunderstanding with the Govmt., has by their power of removing and withholding a Salary, till they are pleased to procure a person according to their own mind to fill the office of chief justice. The Sheriff being in the choice of the people, and the clerks in the Justices, The whole power and proceedings of the Court will not only be absolutely independent of the Govmt., but in all probability be levell'd as far as Possibly in direct opposition to it; Especially since the present Speaker, who being the only person in that House professing the Law has been the Chief Compiler of that Bill, has presumptuously taken upon him to write to some private men in England, of whom the greatest part are said to be known opposers of the Proprietr. and his Interest, to send over some fit person hither to be our Chief Justice, proposing the Encouragement of some hundred per annum, and further objecting against that Worthy Gentleman, as well as able Lawyer Judge Mompesson, as unfitt, because in the Interest of the Proprietr. y^e^ Chief Govr. of the Place.

My third reason is you have told me that a certain Charter, prepared at the Proprietrs. Departure should have been executed, which Charter I find upon enquiry to have been a project of the same Gentlemans to incorporate this Province, and take very near the whole power, both in matters of property and Govmt., out of the hands of the Proprietr. and Govr. and lodge it in the People, Leaving the Govmt. very little besides the Title, with the power only of appointing Judges of Life and Death, and a very few other small matters, by which it plainly appears that the aim is to reverse the method of Govmt. according to our English Constitution, and Establish one more nearly resembling a republick in its stead; To any part of which should I ever agree, I should think myself a betrayer of Her Majesty's Rights, and am Resolved, while I am in the administration, not to diminish them in any one particular, but leave them full as extensive here as I found 'em.

Many of my reasons for the several following objections depending upon what I have given, I shall be shorter in them. I cannot agree that the fines and forfeitures shall be granted away from the Proprietor or Govr., because it is to give away a profitt and Right for nothing, & such an one as cannot be spared, ffor the Govmt. here has not one perquisite belong'g. to it besides 'em, and what arises from Licenses, in which also I shall not agree to any other alteration than what is mentioned in my message of y^{e} 24th of Decembr. last.

I cannot agree to Enlarge the Power of the Corporation, their Charter being the Proprietrs. Grant, and of such he ought himself to be Judge, for I am Credibly informed that after Publication of that Charter the Powers of it were extended much beyond what was understood at the Council Board, to be designed by it. I must therefore be the more cautious of adding to that power and abridging the Countrey of theirs, and must further take notice that the Bill, tho' covertly & implicitly, does still Extend their Powers to all civil Cases; which as 'tis Couched under such terms as do not obviously at first appear, Yet effectually grant that power, is therefore the more Dishonourable, further I cannot think it reasonable but that writts of Certiorari should be granted as fully here as in England.

Nor that a man should be obliged to sue oftener than once for one debt, nor that such ffees should be establisht as will not afford sufficient encouragemt. to capable persons to accept of the Respective offices, which some of those proposed in the Bill will by no means do; Yet I am very desirous that the fees should be regulated and ascertained by a Law upon such Terms as may be reasonable.

You are further told in my message of the 24th of December, that some few other objections would arise from matters relating chiefly to the Courts themselves, which are these that follow:

The Seal of the Provincial Court ought to be the same that has been always used, (vizt:) the Lesser Seal of the Province.

The time for sitting of the Provincial Courts ought not to be so expressly Limited as that upon any Extraordinary business, they shall not have Power to take necessary time to finish it.

Judgments ought not to be given at the intermediate meeting of the Justices between the times of the Quarterly Courts, Writts of Error not being allowed but in open Court, destroys in great measure the benefit intended by them; Attorneys must not be made so independent as by the Bill; An action of false Imprisonment agst. the Sherif for arresting a freeholder is too severe, and is unreasonable, for he must obey the Writt Directed to him, and to plead an abatement may be sufficient.

The whole Business of Bankrupts should be brought into a particular act, and be more maturely considered, for 'tis of too great weight to be enacted thus in Gross.

Writts of Enquiry Enquired of in open Court will retard the business of the Courts, and the Inconveniency will over ballance the advantage proposed. If it be apprehended that this method will save Charges, It's said that the whole fees of the Jury will be no greater out of Court as is usual then as the bill proposes it. The method of Real Lease & Ouster in Ejectments cannot be allowed of; The Law of England is pleaded for our Standard in other Respects, and why we should avoid that to throw the people into much greater, trouble and danger is unaccountable.

In the Close an addition must be made to Revive all process that have been discontinued as well by the falling of the Courts as the Queens Repeal, I must further add what has been twice mentioned before, that it is very inconvenient in many respects for the Justices to sign all Writts, if they were issued of Course out of the office under the County Seal, it would much more answer the end. In the Orphans Court the whole Power of that Court within the City can't be Granted to the City Magistrates, but there may be one Court appointed out of both the County and City to serve for both.

There must be a Restriction upon the Power of the Court in Directing the Education of Orphans in matters Religious. All Bonds & Inventories of this kind should be Lodged in one office, and since that of the Registers is appointed by Law, it is the most proper place for them.

These Gentlemen, are my objections to that Bill, which when removed, I shall be ready to assent to it, notwithstanding I cannot altogether approve of the system, But not before; and of all those heads there is not one without which the Bill will not as effectually answer the End proposed by it, if there be nothing further than a Regular Establishmt. of Courts intended. And now as I have agreed to every thing thats necessary to this end, so if you will not joyn with me in it, but insist upon such points as I can by no means grant, & make those the Terms of your Concurrence, it will Lye wholly at your own door that they are not established by a Law.

The Countrey loudly calls for Justice, and I on my part earnestly press that it may be granted. Should I tack to the Bill or insert into the Body of it any Exorbitant grants to myself which you could not in the discharge of your trust think fitt to assent to, and should refuse to agree to an Establishment of Courts upon any other terms, the People might have just cause to complain; but while I crave nothing ot you and am willing to agree in all points that are necessary to the Reviving of these Courts and opening the Currt. of Justice again, and yet you decline to concur in it unless I betray my trust, and agree to unreasonable Grants to you, which are not yours of Right, shows as if you preferr'd something else than the Real benefit and advantage of the people, whose interest is so deeply Concerned in and suffer by this Long delay. If their Exigencies and heavy Oppressions can so far prevail with you as to discharge your Duty to them, in this point, and concur in Enacting the Bill as I have proposed it, it shall without delay be past into a Law, if not I will loses no further time, (for I am resolved the Courts shall be held at the time at which they ought next of Course to sitt,) but proceed to use the power granted me by the Kings Letters Patent to y^{e} Proprietr., By which I am assured I have as full authority to establish them without you, as you have to Concur with me in enacting a Law for 'em. And after I am obliged to this, whoever shall dispute that power or endeavour to invalidate the Establishmt. as they will justly Deserve to be reputed Enemies to the Peace, safety & Welfare of the Govmt., and opposers of her Majesty's authority, so they shall not fail of being Treated accordingly.

At a Council held at Philadia. y^{e} 20th of febry., 1706–7.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Thomas Story.	Esq'rs.	James Logan, Richard Hill, Joseph Pidgeon.	Esq'rs.

A long Remonstrance drawn up by the Assembly to the Govr. dated y^{e} 19th Instant, was read in these words:

The Remonstrance of the Assembly, Delivered to the Govr. y^{e} nineteenth day of y^{e} month called February, 1706–7.

We, the Representatives of all the freemen of the Province of Pennsylvania, in Assembly mett, having with all possible dispatch and application prepared a Bill for Establishing Courts of Judicature, presented the same to the Govr. about y^{e} 17th of 9br. last, and after we had spent much time in debating & answering what was advanced against the said Bill. At length the Govr. seemed to reduce his main objections to these following particulars, vizt:

1. In the first place, he objects against the Judges holding their offices during good behaviour, and against their being displaced at the request of the assembly, and against y^{e} placing & displacing of the Clerks & Prothonotarys here as in England.

2. He objects agst. appropriating of the fines & forfeitures to yͤ Queen, and agst. the Court of Equity to be in every County.

3. He objects against that part of the Bill which Impowers the Justices here to grant Licenses, as Justices of the Peace do in England.

To which objections, as well as some other things wch the Govr. dislikes in the Bill, we gave in our answer on the 28th day of December last, and Earnestly Desired him to Consider thereof in the time of our adjournment.

That on the 4th Instant we mett again, and being sent for to the Govr. we attended him accordingly, where upon he was pleased to read a long speech to us, Containing much harshness & severe reflections upon our proceedings, & tho' we desire a Copy thereof, yet cannot hitherto obtain it.

That on the 5th Instant, the Govr. desire a Conference with us about the Bill, which are agreed to, desiring that the subject matter thereof might be first settled. But in as much as time would not then admitt to stand long upon the Preliminaries, and that nothing on our part should retard the passing of the Bill, we went to the Conference on the 6th Instant, and Entred immediately upon the debate; But our Speaker having at our Request undertaken to argue the Legall part of the said Bill, Being tired with standing up so often to answer the Govr. & his Council, at last kept his seat, which so far displeased the Govr. that he required him to stand up. But yͤ Speaker reported, that Considering he was at a free Conference upon matters of Legislation, wherein the Kings Letters Patent makes the Concurrence of the Govr. and Representatives equally necessary, looking upon what the Govr. required to be inconsistent with the freedom allowed on such occasions, thought fitt to break up the Conference at yᵗ time, and return to this house for direction concerning the further procedure in the said Conference.

That before the House adjourned a message was sent to the Govr. to this effect, vizt: That we were sorry the Conference should be stopt upon any occasion whatsoever, But for as much as we could not remember, That former Govrs. had taken exceptions to the Speakers keeping his seat at a free Conference, but rather press'd him thereunto, after he had paid his Civil Regards to the Govr., Therefore the house desired the Govr. would be pleased to continue the same Practices in the Conferences of this Assembly, or otherwise that he would appoint a Committee for his Council, or such other persons as he shall think fitt, to meet a Committee of the Asembly, by whom yͤ present Conference might be managed.

That in answer to this message, the Govr. was pleased to resent the Speakers Conduct at the Conference to be a misbehaviour, Insisting that as he is in this Govmt. theQueens Representative,he thinks himself obliged to assert her Majesty's authority. In answer to which message, we assured the Govr. that our Speaker had given the House satisfaction; That his keeping his seat whilst speaking at the latter part of the Conference was meerly for his Ease, and not with any Design to affront the Govr., and that he returned to the House in Order to take their Directions in the future managemt. of the Conference, which we conceive was more prudent than that yᵉ misunderstanding like to be occasioned, thereby should have been aggravated to such a height as to have terminated in unseemly Language. Therefore we proposed to the Govr., That to avoid yᵉ like misunderstanding for the future, and that more time be not Lost, But that the Conference may be carried on, And the Preliminaries (That should have been at first agreed upon,) be forthwith settled and adjusted, which we desired to be by a committee of this House, and an Equal number of the Govrs. Council or others, as he should think fitt to appoint, And this we insisted upon, To the end only that we might speak our minds with more freedom, and that we were informed that is not the Practice in other Provinces, that the Govr. should be present at free Conferences.

That on the 10th Instant We reced. another message from the Govr., wherein he multiplies his Charges against us, insisting upon his superiority over us, & the People we represent, Letting us know how he Expected We should behave ourselves at the Conference, which he was willing to Continue upon the terms he there proposed, & be at it himself; in answer to which message, we acquainted the Govr. that by his being Commissionated by the Proprietary & Receiving the Royall approbation, with other necessary qualifications required by Law, He may be deemed the Queens Representative, & Justly demand superiority over the People of this Province, and in that state the Representatives of the people are to address him & to sue for justice agst. evil ministers, and in all matters wherein the Govr., by virtue of his Lieutenancy, has power of Judicature. We hold it our duty so far as our Circumstances can admitt to Comply with what he may reasonably direct, But in matters meerly Legislative, we thought (without derogation to the Govrs. honour,) that the Royal Charter gives 'm a Concurrent power with him, so after we are free agents to propose what we think fitt to pass into Laws, Which the Govr. may reject, and so may we by the same authority dissent from what the Govr. proposes Legislatively, and when it happens that the Govr. & the House of Representatives differ in opinion in a point relating to Legislation, Its proper that free Conference may be had, where every one may have freedom of Speech & Gesture, without being under the Check of a Chairman, and as such Conferences are necessary, so the method of them ought to be settled. But that the Bill of Courts, which has been with so much care and pains prepared by 'm, and so long stuck at that Board being of such Importance, to the Countrey may be brought to some result, we are willing to Confer with the Govr. when and where he pleases to appoint, And we shall give such instructions to the manager, on our part, as shall give him no just Occasion of Offence; And as to what happen'd at the last Conference, we desire the Govr. may be satisfied as we are, That our Speaker's keeping his seat when he spoke at the latter part of the Conference, was not with design to affront the Govr., whereof we Intreat the Govr. to pass it by, and go on with the Conference, which so highly concerns the Publick good. And that nothing Exprest by us in relation to that misunderstanding should be deemed or Construed to Extend to the defence of any disrespectfull behaviour, which we assure him neither was nor is the Intent of y^e House.

That on the 11th Instant we reced. another message from the Govr. wherein he Insists that in all matters wherein the real Priviledges of the House are not infringed, a due deferance should be paid by all persons under his Govmt. to that authority with which he is invested, That the Speakers behaviour at the Conference, however it might at first be intended, was at length affrontive to that authority, and accordingly the Govr. expects he shall acknowledge it by order of the House, And that they will take especial care that the like be avoided for the future, upon which the Govr. will be very ready without delay, to proceed to the Conference. And to this, the direct answer of the House is immediately required.

Whereupon the Speaker desired leave to Exhibit his further answer for his own Vindication in this matter, wch being granted, he brought the same to the House, and is as followeth, vizt.

I am heartily sorry that what happen'd at the Conference should create this House so much trouble; You are my witnesses that I paid my regards to the Govr. and stood up when I spoke till it was Concluded we could not proceed any further upon the first point till the statute could be produced, and seeing it was too late to send for it, and thinking our stay at the Conference would be of little service without it, I put up my papers intending to return to the House; But some of the Govrs. Council pressing to go on with the next point before the first was brought to a Close, I thought it improper to say much in answer to them on that head, and being tired in rising so often as I did before, to answer so many opponents, I kept my seat and spoke something in answer to those Counsellours whilst sitting, which the Govr. was pleased to resent, and required me to stand up; But considering that we came there in Expectation of a free Conference, (as I informed the House before) tho' I was willing, (as I told the Govr.) to pay all Civil respects unto him, Yet in this Case I thought myself under the direction of this House, and not to be commanded by any other upon this free Conference; I shall readily acknowledge that standing up at Conferences as well as in other Councills, is a Decency even amongst equals, and yet I dont conceive that it was ever enjoyned but to the end that the persons standing may be heard, & that the rest may not interrupt, sot hat I do declare that it was & is my positive Judmt. that if the Govr. thinks flitt to be present at such Conferences, and there exerts his Commands upon any manager or other member of this House, such commands are inconsistent with the freedom of such Conferences and affrontive to this House; And if I am mistaken, I desire the House to construe it as the Error of my Judgmt. and not of my mind. And I can solemnly declare that my refusing to Comply with the Govrs. humour, (for so I conceive it to be when he exerts his commds. where he should not) was not with a design to affront him, but to shew my dissent to that which I thought had a Tendency to frustrate y^e freedom of Conferences, not knowing if I comply'd with this, whether the next Command would not more highly effect the Rights & Priviledges of this House, which I am Conscientiously concern'd to assert & maintain every where, and if in this Case I have done any thing unbecoming the station you put me in, I shall freely submit to your censure. That in answer to the Govrs. message we acquainted him that tho' we hoped our last answer would have given full satisfaction, in relation to y^e present misunderstanding occasioned at the late Conference, Yet finding by his message just now sent to the House, he expects some further acknowledgmt.; the House has thought fitt to signifie that the Speaker having submitted himself (in relation to his deportment at the Conference) to the Censure of the House as to the place where he is properly accountable for any mismanagement there; And the House having considered that no rules or orders were enjoyned him or the other managers in relation to modes or Gestures of sitting or standing whilst speaking, (as not aprehensive of the Consequence) Cannot with Colour of Justice Censure him for mismanagement, or otherwise for Breach of any Rules or Orders of the House; But forasmuch as standing up whilst speaking before the Govr. is acknowledged by us to be a decent and convenient posture, we have censured the Speakers sitting whilst speaking as he did, to be Inconvenient, and had we in the least foreseen the Consequence & that the Govr. would have resented it as he did, Would have taken measures to have avoided it; And how we have resolved for the future our late answer will shew. But seeing the Speaker has submitted to the Judgmt. of the House and satisfied us that it was not with design to affront the Govr., we hope the Govr. will consider & accept of our proceedings & acknowledgmts. in the premises as full satisfaction, being the ultimate we can give. & without delay proceed with the Conference or otherwise pass the bill; it being the opinion of this House that the matters now under Consideration, however high the Govr. may strain them, are not of sufficient weight to Retard or obstruct the publick good; That on the 13th Instant we reced. another message from the Govr. wherein he requires that our Speaker shall with due submission in his own behalf. & by order of the House, acknowledge the irregularity of what is past. In answer to this message, we acquainted the Govr. that the Speaker is willing, at the request of the House, and for dispatch of business in hand, to make the like acknowledmt. to the Govr. at the time appointed for the Conference, as he has done to the House; The substance whereof is contained in our last answer.

Whereunto the Govr. reply'd, That y^e terms he offered y^e House this morning for the Conference this afternoon is the very least that can amount to a satisfaction which he did expect as there required without the least Evasion; whereupon two of us, by Order of the House went to the Govr. and acquainted him that our last message was the ultimate Resolve of the House without Evasion, and further they cannot go upon that head. Therefore if the Govr. would continue the Conference, the house would attend him at the time and place appointed this afternoon, But having had no answer to our last message, we sent again in the afternoon to acquaint the Govr. that since he does not think fitt to accept of the satisfaction proposed in answer to his Written message this day, we again desire him Either to Confer with a Committee of this House, or give us his Result upon the Bill of Courts, shewing us wherein the same or any part thereof is inconsistent with Law or Reason, as we formerly desired, for this House is willing to Concurr with the Govr. in any Reasonable amendment, without further Conference.

The Govrs. answer was returned, That he was sorry the House could not answer his proposals, adding that he could not nor durst put it up on any other terms, seeing it was an affront to the Queen, for he did assure us he did not desire to infringe the Liberty of the meanest member of the House.

Whereupon, the House taking a Review of all the Govrs. messages, and Considering how far we have gone to give him satisfaction in what he can justly demand, & finding y^{t} he continues to render us as Contemners of the Queens authority, or at least supporters of such as he suggests have done so, which if further insisted on, we shall find it indispensably necessary to appeal to our Gracious sovereign the Queen, for Justice in this matter, and that in the mean time we may clear ourselves of these unjust Imputations & give the People we represent (as near as we can) the true state of the Case and difference between the Govr. and us.

We held it our duty to make the foregoing narrative of our proceedings, So that we conceive nothing now remains but to consider what authority is vested in the Govr., and the People in Legislative matters, & how farr the Govr. can exert his Commands upon the Peoples Representatives while they attend free Conferences, and whether his resentmts. in this Case are proportionable to the Occasion given.

We are clearly of opinion, & look upon it our duty to assert, that the Royal Charter gives us a Concurrent Authority with y^{e} Govr. to act in Legislation, (which is the Equallity we insist upon,) and that he ought not to defeat us of that authority, or render it ineffectual to the Peoples Representatives, which in our opinion will unavoidably be the Consequence of his presiding and Commanding in our free Conferences.

That the Royall Grant has constituted but two states or Branches in the Legislative authority of this Province, and renders all the Laws that pass by their Concurrence, but meerly Probationary, & subject to the disallowance of the Queen, where the state of absolute superiority & superintendency is left as it ought to be.

We know that the present Lieutenant Govr. has a Commission from the Proprietor, dignified with the Queens Royal approbation, wch with the other Qualifications required by Law, may sufficiently intitle him to be the Queens Representative. But if that should give him a greater superiority over us, in matters of Legislation, than the Lords has over the Commons, Then we think it improper for the Govr. to preside in any free Conference, Unless it could be proved, That the Lords Justices did so in such Conferences with the Commons

And as the Govr. represents the Queen, so do the magistrates by him Constituted and qualified according to Law; and Offences and Contempts done to them in the Execution of their offices, may be reputed as done to the Queens Representatives; But it does not follow, that either the Govr. as chief magistrate, or the Justices in their Stations, can Demand immediate satisfaction for an affront or contempt done out of the Court, or place where they are sitting Judicially, and yet the Law will suffer no contempt or offence done to them or inferiour officers to pass with impunity, But as it provides against all offences, so it keeps every Jurisdiction within its proper bounds.

It is no question at all with us but that we should treat the Govr. with all the Decency & Regard due to the Queens Representatives, And we are humbly of opinion that the Queens authority, which we as legislators are vested within, (in as near Relation to the Crown as any can pretend to be with this Govmt.) ought to be treated with Regards suitable to the station wherein the Royal Charter has placed us, and tho' we are mean men & Represent a poor Colony, yet as we are the immediate grantees of one branch of the Legislative authority of this Province, (which we would leave to our Posterity as free as it was granted,) We ought to have been, & do expect to be more Civilly Treated by him that claims the other branch of the same authority, & under the same Royal Grant, and has his support from us and the People we Represent.

If we had been to attend the Govr. by way of address, or upon such Impeachments wherein he has a Judicial power, and had in any wise transgressed the rules of Decency, there would have been better grounds for his resentments ; But we see no Colour of Justice, nor can we suppose the Govr. can find a Precedent from the English Constitution, to make such Demands as he does upon so small a Punctilio.

Our great Zeal and sincere Endeavours for the Regular Establishment of the Courts of Judicature, has caused us to consent to enter upon this Conference before the Preliminaries were adjusted, and tho' we were willing to meet the Govr., and Confer with him or such as he should think fitt to appoint as managers on his part, yet we never intended to comply with any thing which might be made a president for the Govr, to act as a Chair-man, or exert his commands upon the Assembly, whilst they attended such Conferences, much less to prescribe what censures the managers on our part must come under, in case they should Committ an Error in that undertaking; therefore we Conceive that the Govrs. Demands on that account are very unreasonable, and have an apparent tendency to defeat our right of Censuring our own managers, when they transgress the rules of decency, or go beyond their Instructions in those matters committed to their Charge, by Order of their House.

It is very well known to the Govr. that the Speaker of the House of Commons, when he is presented to the Queen, makes a protestation, Consisting of three parts; The one is about freedom of Speech, another about freedom of access to her Royal person, and the other is that in any thing he should deliver in the name of the Commons, (if he shall commit an Error,) no fault shall be arrected to the Commons, and that he may resort again to the Commons for a declaration of their true intent, and his Error may be pardoned; And from that Example (tho' in a remote and far meaner degree) our Speaker, at the beginning of this sessions, made his request for freedom of speech and allowance of all our Just rights & Privileges, and for free access to the Govr., and that no misconstruction should be put on our proceedings, (as used words to that effect,) which the Govr. then readily Granted; But now, because our Speaker did not stand up at the Govrs. Command, when in a free Conference, (Though he spoke nothing that was undecent,) And tho' he assured the House, and they the Govr., that what happen'd at the Conference was not with design to offend or affront him, Yet that which the Govr. at first call'd an Error of the Speaker, he now charges y^{e} whole house with as an offence against the Honour and Dignity of the Queen, And would render our messages on that account nearly to concern her Majesty's authority in Govmt. and much more to the same purpose, which we declare to be a meer straine & a most unjust Imputation, & seems to be a design to render us and the People we represent, obnoxious to the Queen's displeasure, and unworthy of her Royal favours and Indulgence, which we value above all other Privileges.

We find the Govrs. main objections to the Bill of Courts are Levelled against such parts of it as are grounded upon the Common & Statute Laws of England, & we conceive nothing can be advanced to support such objections, but what will Impeach the wisdom or Reasonableness of the English Constitution, or render the Queen's subjects here unworthy of their native Rights, and as for the appropriating the fines and forfeitures to the Queen, we formerly acquainted the Govr. of our passiveness in that point, & desire him to propose a proper method, and how our Bill may stand clear of the objections of the Lords of Trade, that prove so fatal to some of our Laws, which appointed fines and forfeitures to give to the Proprietarie and Govr., But we have had no direct answer to our request in that behalf, so that after the expence of so much money and loss of three months time, Since the Bill of Courts has Lay'n before the Govr., we despair of having it passed, notwithstanding all our endeavours to obtain the same, hoping it would have put an end to some of the aggrievances which the People of this Province have for several years groaned under, & which we forbore hitherto Publickly to remonstrate, choosing rather to provide remedies for things that are, and have been amiss, than Complain of them.

The Govr. may remember that what was discoursed at the Conference had respect chiefly to the appointing & removeing of Judges, and we are content that part of the Bill shall be omitted, and provision made in a Bill by itself, as some of the Council yn proposed.

Signed by Order of the House.

DAV'D. LLOYD, Speaker.

Which being considered, it was judged altogether unworthy of an answer, because the Publication of the Several messages and papers at length would be an effectual Confutation.

Two members, (William Hudson and John Swift,) in a message from the House, acquainted the Govr. that the House had taken the Govrs. last message into consideration, but cannot be sensible that their Bill of Courts does, according to what the Govr. charges the House with, covertly & implicitly extend the powers of the Corporation in their Courts to all civil causes, and therefore desire the Govr. will be pleased to inform the House what part of the Bill he conceives to have that tendency, for that no such thing was intended by the House in any part of their Bill.

Upon which they were told they should have an answer in a message from the Board forthwith, and accordingly y^e following answer was drawn.

The Courts of Common Pleas, according to the bill, are to be held by the same Justices that holds the Courts of Quarter Sessions, and their powers in Civil Cases are limited by the Bill to the same Bounds they have in the Quarter Sessions; therefore, since there can be no courts of Pleas held but by the Justices of the Sessions, and the Justices appointed by the Govr. for the County of Philadelphia, having no power in the City, can therefore hold no pleas there, so that there can be no such Court appointed by the Govr. for the City, But a Court of Pleas for the city is acknowledged by the Bill, & there must be one, tho' it is out of the Govrs. Power to appoint it. The Bill further provides, that no Justice of the Court of Qur. sessions, or any other Justices, shall intermeddle with or Exercise Jurisdiction, in any cause or thing whatsoever arising within the Bounds of the City, which by Charter or otherwise may be inquired of in the City Courts, &c.

The City magistrates have, by their Charter, claimed a right to sitt in the Courts of Common Pleas, (and as I am informed have actually sat in them,) therefore seeing there must be no Courts of Pleas held but by the Justices of the Quarter Sessions, and the Justices of the County can hold no pleas but within the same Limits where they have Power in the Quar. Sessions, and there must be a Court of Pleas within the City, and the City magistrates do claim that Power by their Charter, besides that the word Otherwise leaves room for all manner of Implication of Power to strengthen that Claim, either from the present Bill or precedents, therefore it will follow, that the Court of Common Pleas for the City, must be held by the magistrates of the City that hold y^e Courts of Quarter sessions within the same, and no others. Ordered, that Edward Shippen & Samuel Carpenter carry the said message.

The next Term for the Sitting of Courts being now very near at hand, and there being but very little room left by the Assembly for the Govr. and Council, to hope that the House will ever concur in enacting a Law for Regulating the Courts of Judicature, unless they can have their own demands in whatever they think fitt to insist on, and it being considered that the Countrey very deeply suffers for want of y^e administration of Justice for so long a time, which being in the Govrs. own Power to restore to them without the Assembly, he will be inexcusable if he delays it another whole term, which will necessary follow, if the Courts be not very speedily Erected; 'Tis therefore ordered, that an Ordinance for that purpose be forthwith drawn up by the Practisers of the Law, agreeing as far as may be with the bill prepared by the House, and also a proclamation be prepared by the Secretary to inforce the said Ordinance, and then adjourned.

At a Council held at Philadelphia, y^e 21st of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,	Esq'rs.	James Logan,	Esq'rs.
Samuel Carpenter,		Joseph Pidgeon.	
Thomas Story,			

The Secry. presented to the Board a Draught of a Proclamation ordered yesterday, which being considered & debated by Paragraphs, was approved of, & Ordered to be Ingrossed, Sealed and Printed forthwith.

Ordered also, that a Bill for Continuing Process be prepared to be sent to the Assembly.

At a Council held at Philadelpia, y^e 22d of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,	Esq'rs.	James Logan,	Esq'rs.
Saml. Carpenter,		Richd. Hill.	
Thos. Story,		Joseph Pidgeon.	

The Proclamation agreed upon yesterday being Ingrossed, was signed by the Govr., together with a Warrt. to Seal the same.

The Bill for Continuing Process, Ordered yesterday to be prepared, was presented to the Board by Robt. Assheton, and after some small amendments being agreed to, was Ordered to be sent to the House wth the following message, in writing, vizt.

'Tis now a week since my last message, giving you the terms on wch the Bill for Establishing of Courts might be past was prepared, and intended for you, and had then been Deliver'd had not yor adjournmt. prevented. I have waited your answer to the utmost length of time that I can now stay, & therefore as I have often told you, being resolved that the Courts shall not be deferred beyond our next ensuing terms, of Course I am obliged to Establish them, by virtue of the Powers derived to me by the Kings Letters Patents, and have chose to doe it generally by such Clauses of your own bill as are more immediately necessary to the end; But as the Countrey will deeply suffer, should not all former process be revived, I herewith send you a short Bill only for that purpose, wch as it is a point that most nearly concerns the Interest of the Countrey that you represent, your immediate concurrence, with the main scope of it is expected that it may be published on Tuesday next at Chester.

It was alledged that the last Assembly had generally been of Opinion that the passing of any one act put an end to that session wherein it is past, and therefore that the same opinion may raise a scruple in the present House, & be an objection with them against passing any one act before all the rest that they desire to be past at this session.

All which notwithstanding appears to be a great mistake, not only from the express opinion of the Ld. Cook upon this head, but also from the Common Practice of late of the Parliament of England.

It is therefore Ordered the Assembly be informed hereof accordingly by those who carry the above written message.

Ordered that Richard Hill and James Logan do carry the said messages.

Ordered that the Ordinance as prepared be Ingrossed & sealed.

At a Council held at Philadia., y^e 24th of febry., 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen, Saml. Carpenter, Thos. Story,	Esq'rs.	James Logan, Willm. Trent, Richd. Hill.	Esq'rs.

An answer from the Assembly to the Govrs. message of the 15th Instant having been deliver'd to the Govr. on the 22d, after the rising of the Council, He Communicated the same to the board, & it was read in these words, viz:

(Assemblies Answer, y^e 22d of febry.)

The Assemblies Answer to the Govrs. message of the 15th of febry., brought to this House on the 19th of the same month.

May it please the Govr:

We find that the Influence of some Evill Counsel prevails still upon the Govr. to continue his resentments against this House, without any Just grounds; Questioning the sincerity of our Concern for the Common Good, and most wrongfully insinuating, That we prefer an obstinate humour in defence of an irregular & affrontive behaviour to all other considerations relating to the Publick; Whereas our proceedings may sufficiently Evince that we have Censured what we conceived amiss, and offered the Govr. all the satisfaction we thought reasonable for us to give in that matter, saving our Rights and freedom in Conferences.

There is as little need of the next animadversion as was of the other, for we never questioned but that the Govr. may reject what we propose, as we may what he proposes Legislatively, without giving any reason; But if either of us object or propose any thing by way of amendment to a Bill, we ought to support it with Law or Reason, being the only standard or Rule by which we desire all differences between the Govr. and us may be determined.

We have great Cause to bless Providence that the English Constitution has sett up the said standard, and that through the Indulgence and favour of our Gracious Queen, we are put in a Capacity of shewing our desires and Endeavours of supporting that noble Standard, Which the pernicious Counsels and arbitrary Designs of some do strike at, And what we do on that account is without arrogating to ourselves more than becomes English subjects, and such as oppose us therein, do but as it were gnaw a file, which will break their teeth 'ere they prevail agst. it. As to the appointing & removeing of the Judges, we agreed before we reced. the Govrs. last message, that the Clause relating thereto shall be omitted & provision made in a bill by itself, but we are here obliged to clear our Selves of some misrepresentations made of what we insisted on at the Conference about that point, and of what is charged upon us as perversion in the latter part of the said clause.

It was well known that we never pretended that the said Clause agreed in terms with the statute wch was our precedent, But when it was read to us in the House, We Considered and unanimously agreed to make it more positive & obliging them that is made in the statute; Because the two Houses of Parliament have the Queen (who Excells in honour and Justice) to apply to for removal of Evil Judges, But we have only our Fellow Subject, who hetherto has not given us that demonstration we could wish of his willingness to observe the Constitution of this Province, but rather to Elude them as in the case of the Sherif of the County of Philadelphia, with some other Instances which we think not proper here to Express.

If the Govr. be pleased to remember, Our Speaker Shew'd at yᵉ Conference, That the method of Procedure against the Judges in Case of Official misbehaviour, might be after this manner, to wit, the Assembly the being general Inquisitors of this Province might Examine the same, and if they find the Charge to be true, Then that they transmitt it to the Govr. with the proofs, & there demand Judgment, which the Govr. might give without any other process at Law for the removal of the party so charged, if he found the fact so proved required it.

As to the Judges Sallary it comes from the Exchequer in England as it may from a Publick fund here which we conceive the fines and forfeitures ought to be part of, and to suppose the Assembly will not make up the Rest to be a Competent support to a moderate man, or to insinuate (as yᵉ message does) That the Assembly will displace a Good Judge and keep in a bad one, we take it to be a most unjust Reflection upon the Justice of this House, And ought not to be supposed off the Representatives of the People.

As we never proposed to appoint the Judges, so we leave it to the Govr. to find out such as may be fitt for so great a Trust, having only this to Recommend; That they be men whose Conversation may be of good Example in that high Station, And not Justly Chargeable with vicious Practices or Corruption, But men fearing God & hating Coveteousness.

As to the Clerks, We referr to our former answers on yᵗ head, and shall only add that our Bill does not Impower the Justices to appoint or Displace them at their own will and pleasure, or otherwise than the statute in that case directs, and we conclude that it is safer for the Clerks to be tryed by a Court than by a Jury, how Ever the Wisdom of the Parliament of England ordained it so there, and for the same reason we insist it should be so here, hoping that the Govr. will concurr with us.

To bring these Officers under a Proper regulation rather than leave them beyond the Controle of the magistrates who may be greatly damnified by their unskilfulness or designs & yet left remediless unless Relieved by the method proposed in the Bill, persuant to the said statute.

As to the first head of what the Govr. brings as his further reasons against the part of the Bill we do not know how farr the ministry at home Expects him to be answerable for the management of affairs in this Govmt., nor would we propose any thing that may render him deficient in his Powers, but would gladly have him do all things that may Render him and us acceptable to our superiours; and as to the Second, it serves only to cast an unjust reflection upon Assemblys; But as to what is mentioned about a letter supposed to be written by the Speaker, as we never saw it, so we are not concerned with it.

And as to what is saidConcerning the Charter prepared at the Govrs. departure, the Draughts man has assured us that no project nor Power is Comprized in that Charter, but what was the Propr's. direction, perused & Corrected by his Cousin Parmiter before it was Ingrossed and afterwards signed by himself, but whether the Propry. designed thereby to reverse the method of the Govmt. according to an English Constitution and Establish a Republick in its stead, or leave the People to Struggle with the Queens Govrs., which he then expected would be the Consequence of the Bill then moving in Parliament against Proprietary Govmts., the Draughts-man cannot tell, but he well remembers that the Proprietr. told him that he held himself obliged to what he could to Confirm his tennants in their lands and properties and give them all the Powers he could, as he was Lord of this Signiory & much more to y^t effect.

As to the fines and forfeitures, the house have long waited for an Expedient how the Bill could stand Clear of the objections of the Board of trade, if we should not appropriate them to the Queen; but having reced. no satisfaction in that point, we are Contented that the bill shall be wholly silent about the appropriating them.

As to the Licenses we still insist that they be granted as by the bill, and we shall settle the perquisites to the Govr. as we formerly proposed, by way of amendment to the Bill.

As to that of the Corporation, tho' we cannot Conceive our Bill Imply's any such thing as is objected, nor that the word (otherwise) can Extend as is alledged, yet to remove all pretence of occasion against the Word, we are willing it be omitted in the Bill, and instead thereof the Laws of this Province be inserted, and that where the blank is left for the time of the sitting of the Court of Pleas, it may be inserted after the words in Philadelphia, for the City and County of Philadelphia, which will we hope effectually remove all pretences of that kind.

As for Writts of Certiorari we answered formerly, That we agreed they should be granted as fully here as in England, and expected to hear wherein the bill is short of That. As for suing oftener than once for one Debt, if it be Intended that a man who sues and recovers, shall not have an other action or scire facias upon such Recovery, we cannot agree to it, But if the objection be to the scire facias against the Bail taken after Execution, we formerly shew'd the necessity of that, Because our Prison have no verge, & the Creditor better secured than at first.

As for Establishing officers fees the Cries of the Country Call for it & if the fees proposed were too scanty, we acquainted the Govr. near two months ago that we would augmt. them. We Remember, the Govr. in a message of the 24th of Xbr., had a Reserve of some objections, which he now says are those mentioned in this message, we do not find them to be of y^t Weight or Intricacy, But they might have been made at first and settled long before this time, so that y^e Govr., by y^e Influence of some Evil Councill, has given us and all others who will Impartially Consider it great Cause to Conclude, that his purposes for the Common good, and opening the Currt. of Justice, are turned to trifling delays.

As to the Seal of the Provincial Court, we are of opinion it ought to have an Impression suitable to the Style of the Writts which are to be sealed with it, and that it be kept by the Chief Justice, or such as he will answer for, and there will be a necessity that this and the lesser Seal be different and not lodged in one place, for in some Cases the one may be made use of to check the other.

We think it of absolute necessity that the sitting of the Provincial Courts should be hinted as formerly, but if that be not enough for Philadelphia County it may be Enlarged, but the other Counties to be as heretofore.

We are of opinion, that giving Judgment in the Intermediate Courts, as proposed by the Bill, will be found very necessary to prevent delays occasioned by Imparlances, Demurrs, &c., for which end only it was Intended.

We are willing to make the Writts of Error allowable by any one of the Justices out of the Court as heretofore.

As to that Clause about attornys, it was very indifferent to us if it be all left out of the Bill; But for as much as attornys do frequently practice in Courts, We thought it necessary they should come under Regulation, and not be suffered to plead without the Courts admittance.

We agree that to plead in abatement where the Sherif arrests a freeholder may be sufficient. So that the Court be Impowered to award damages upon such abatements.

As to that of Bankrupts, we do not see how we can amend it, But if the Govr. thinks it more proper to pass it in a bill by it self, we shall be satisfied, so as some such provision be made to prevent the Scandall which will fall upon y^e^ Publick Justice of the Countrey for want of it.

As to that about Writts of Inquiry, we conceive it may be so Ordered by the Justices as not to retard the business of the Court, at least not to render the Inconveniency so great as to Over ballance the proposed advantage, the Govr. is misinformed about the Charges, for divers of us know the difference to be so great as to Cause us to insist upon the method proposed in the Bill.

The Real Lease Entry & Auster is according to the Law of England, and the fictitious proceedings is a new practice, allowed only in Westminster Hall, But not in any Inferiour Court in England, as we are informed, & may be seen by several cases proved to us out of a Book Called the Law of Ejectments, page 38er, and we are of opinion that our Courts are as inferiour to Westminster Hall, as Corporation or other Courts having Conusance of such pleas are in England, and we are satisfied the Real Lease, as at Common Law, may be rendred more certain and of Less trouble and Danger to the subject here then the Late new practice, and if our Bill does not effectually answer that End we are ready to amend it.

As to the Reviving of the Pleas and process, if the Bill does not make full provision, we are willing that it be made most effectual in that point.

As to the signing of Writts, we still insist that the Original writts or process be signed by the Justices, as the Constant practice here has been, and that agrees with the Laws of this Province, which we formerly mentioned. But as for other writts, they are to issue of Course, and are to be signed by the Prothonotary and pass under the Judicial Seal of the County. As to the Court of Orphans, We agree that the Magistrates of the County of Philadelphia, be joyned with those of the City, to hold those Courts as proposed by the Govr., & we conceive that the Bill gives no Power for the Court to direct the Education of Youth in matters of Religion, & if it bears any such Construction, We are willing to restrict it, & agree to mend the Bill accordingly, but as to the bonds and Inventories Relating only to Orphans, we think they are properly lodged as proposed by the Bill.

And now, having done with the objections, we would draw the whole matter to this narrow close, That since we are ready to concurr with the Govr. in every thing that is necessary to the well being & Regular Establishment of Courts, and Insist upon nothing but what we conceive to be our Indoubted Right, by grants or promises of the Govr. in Chief to Demand, and in his Lieutenants power to grant and Enact, whether by the Bill now before him, or in distinct Bills, is matter of Indifferency to us, for we are willing to Exonerate our Bill of what can with any Colour of Reason be alledged to Clogg it. We have now pointed out those matters in the Bill, which are also of Indifferency to us, whether they pass or no, But as to y^e^ Justices Licensing of Ordenaries being the proper means to prevent the debaucheries like to overrun this place, we cannot, without betraying our trust, decline our Endeavours to obtain; As also, that the officers fees be now Establish'd as well as the Courts, and that provision be made for the Removal of the Clerks, as the Bill & the Statute in that Case direct (being what we think will effectually Enable the Govr. to answer the ministry at home, in Case of male feasance) such officers, which last particulars we do & must insist on as proper terms of our Concurrence; And if the Govr., notwithstanding all our Endeavours and Readiness to Comply with him in reviving the Courts and Establish proper Jurisdictions, will not agree to it by a Law, we will Loose no further time, but represent the whole matter to his and our superiours; And as for his sitting up Courts by Ordinance, he knows the mind of this House already in that point.

Signed by Order of the House N. C. D.

DAV'D. LLOYD, Speaker.

Which answer having been considered, the following was ordered to be sent to the House, viz:

The Govr. has been accustomed to meet with such gross Rudeness from those He has now to treat with, that he resolved at length to take very little notice of any thing of that kind, to the obstruction of the smallest matters that might be of advantage to the Publick, and he is still resolved to continue the same temper, tho' the Incivilities and abuses of the last message from the House, seemed to have been strained on purpose to a height to try the extent of his Patience. But should he decline any further notice of it, as most certainly he will not at a Proper Opportunity, he doubts not but from their Proposal of representing the matter to our superiours, if they will but make good what they say, they will be more effectually taught their Duty & good manners, tho' he cannot at the same time but lament the consequences that will ensue upon these proceedings to the innocent People of the Province, who in reality are no parties to them, yet will be the sufferers.

To the three things last insisted on the Govr. answers:

1st. That the method of granting Licenses to Public House does not belong to such a Bill, and therefore he will not agree to have it inserted, but as he formerly proposed is willing y^t no License should be valid or of force, that is not granted upon a Recommendation which fully answers the end proposed.

2d. The appointing of Clerks is already fixed by the Charter, and therefore the Govr. will agree to no manner of alteration in it, for upon their mismanagement in their offices there is the Same Relief against them, as against any other Officer in the Govmt.; what is proposed in the Bill is not the Practice, as far as the Govr. can find in any of Her Majesty's Govmts. in America, And the House knows all statutes of England are not to be copied after.

3d. The Govr. has been as Earnestly desirous as the Assembly wt the fees should be settled, as his answers have plainly imported: But he believes there is a much Justice Due to the Officers as any others of the Queen subjects to settle, which the Govr. will appoint a Committee of the Council, if the House, on the terms proposed think fitt to proceed with the Bill to meet a Committee of them, the Officers being present to speak for themselves, and whatever upon their agreement shall be found reasonable, the Govr. will readily assent to.

The Govr. further desires, that without any more Loss of time the Bill for reviving of Process may be proceeded upon, for the Courts of this term begin to morrow.

Signed by the Govrs. Order,
JAMES LOGAN, Secry.

Ordered, that Samll. Carpenter and Thos. Story Carry the said message. And then adjourned.

At a Council held at Philadelia, y^e 4th of March, 1706-7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Thomas Story, Griffith Owen, Samuel ffinney, } Esq'rs.
James Logan. William Trent, Richard Hill, Joseph Pidgeon. } Esq'rs.

The Secry. laid before the Board a written message from the House, which was left with him on the 25th, in the Govrs. absence, in these words.

This House having considered the Govrs. message of the 24th of febry., 1706-7, Came to these following resolves.

1st. Resolved, that it is the opinion of this House, that the Licensing of Public Houses does properly belong to the bill, as being part of the Justices business in Private Sessions, and for as much as the Granting of the said Licenses by the Proprietor or his Deputy, is part of the objections of the Lords Commrs. of Trade and Plantations, and was partly the cause of the Queens repeal of the formerly Law about such Licenses; therefore we cannot agree to the Govrs. proposal upon this point.

2d. Resolved, that it is the opinion of this House, that the Bill agrees as near as may be to the Charter, & settles the method of Conviction as the Statute in that Case directs, wch in our opinion makes no alteration of the Charter, but directs how the Vacancys for Misbehaviour, should be supplied pursuant to what we conceive to be the true Intent of the said Charter; and if any thing in our Constitution should admitt of Doubt, we know no better way to Resolve it than by the Statute of England, which are made for the Publick Good, and as it is our Inclination as well as our Duty, so we are incouraged by the Proprietor to Insist, That the Rights and freedoms of England, (the best & Largest in Europe,) shall be in force here.

Now if the Govr. be pleased to acquiesce with our Proposals in these presents, we agree that a Committee of this House shall meet a Committee of the Council as desired, but it is the order of this House that before the Officers be heard they lay before us an acct. of the fees they usually take; The Reviving of Process is Effectually supplied by y^e Bill.

Signed by Order of the House this 25th of febry., 1706-7. Per Dav'd Lloyd, Speaker.

The Govr. also laid before the Board a paper he had reced. from the Assembly, called articles of Impeachmt. exhibited by the freemen of the Province of Pennsylvania in this present Assembly, &c. against James Logan, Secry. of the same Province, &c., which was read in these words.

THE ARTICLES.

Articles of Impeachment exhibited by the freemen of the Province of Pennsylvania in this present Assembly mett, in their own name & in yᵉ name of all yᵉ freemen of the said Province agst. James Logan, Secry. of the same Province, of high Crimes, misdemeanours & offences.

1. That the said James Logan hath wickedly Endeavoured to deprive the Queen's subjects in this Province, of the Priviledges and benefitts which they ought to enjoy by the fundamental Laws of England, & Established Constitutions of this Govmt., & instead thereof to Introduce an arbitrary Govmt. against law which he has declared by divers words, opinions, Practices and actions.

2. That whereas the late King Charles yᵉ Second, by his Letters Patent to the Proprietr. Commands, that the Laws to be Enacted by him or his Lieutenant, by & with the advice, assent and approbation of the freemen of this Country, or the greater part of them, or of their delegates, shall be most absolute and available in Law, under a proviso that such laws be not repugnant, but so far as Conveniently may be agreeable wth the Laws of England, & not adjudged or declared void by the King, his Heirs or Successours within the time and after the manner in the said Letters Patent prescribed; nevertheless the said James Logan, Endeavouring to render that part of the Royal Grant, as well as the Power of Legislation, ineffectual to the Queens subjects under the administration of this Govmt., Did Insert a Certain salvo or exception in the Proprietrs. Commission To his Lieutenant Govr., whereby the final assent to all such Bills as he was to pass into Laws in this Province, is absolutely Lodged in the Proprietr. notwithstanding such Lieutenant, (Cloathed with the Royal approbation and in all other Respects qualified in the Proprietrs. absence to act in Legislation,) did Concur in the Enacting of these Laws.

3. That whereas by the Charter of Priviledges which the Proprietr. in a General Assembly held here the Twenty Eight day of October 1701, Granted to the People of this Province; It is (amongst other things) Provided that the Elections of their delegates to serve in Assembly, should be on the first day of October Yearly, and their meeting on the fourteenth day of the same month, And that they should sitt upon their own adjournmts; Nevertheless the said James Logan, not Ignorant of the premises, but contriving & Wickedly intending to violate that part of the Constitution of this Governmt., did Insert a Clause in the aforesaid Commission, which Impowers the Govr. by his writts, to Call assemblys, & the same from time to time to prorogue or Dissolve as he shall see Cause.

4. That whereas by an act of Assembly made at Newcastle in the year 1700, and afterwards confirmed here, It was directed that all Lands taken up and possessed as that act mentions, should be confirmed By the Proprietr. to the seaters or possessours thereof, their heirs and assignes; and the Proprietr. appointed Commisrs. of property in his absence to Confirm the said Lands accordingly. But the said James Logan, as he was the Proprs. Secry. or under some other pretences, Contrary to Law and good Conscience, did impose upon

Divers of the Queens Subjects Certain Patents or Grants of his own Drawing for the Confirmation of their Lands, Refusing them Draughts or Coppies of those Grants to advise Concerning the Validity thereof, or the assurance of the Land thereby to be Confirmed.

5. That he the said James Logan, Contrary to Law and Justice hath in divers of the said Patents, reserved quitt rents for several Years before the Patentees had any Certain Location or assurance of their Lands, and deny'd several persons their Patents, unless they would Comply with those and such like unreasonable terms, and make the freeholders pay quitrents for the land wch the said Act of Assembly allows them for Roads and Difference of survey.

6. That altho' by the said act of Assembly, the Propry. was let in at any time within two years, then after to Resurvey the Peoples land, and by an other act made at Philadelphia in 1701, he had an other year given him to Continue his Resurveys; yet the said James Logan, as one of the Proprietrs. Commrs., after the Expiration of the times in the said acts limited for resurvey, and after the Queen Repealed the said acts, did grant out Warrts. for Resurveys, whereby divers of the Queens subjects had been disquieted in their lawful possessions.

7. That the said James Logan, without any authority of Law, hath caused petitions of lands in this province to be made between persons having undivided Rights, whereby lands have been surveyed & allotted to some of the parties, without the consent or privitie of the others to whom those undivided Rights belonged, which is to the manifest Injury of the subjects and Evident subversion of the Law.

8. That whereas the said James Logan, on the tenth of Decemr. 1705, Received by John Guy, Certain objections made by the Commrs. of Trade and Plantations, upon severall of the Laws of this Province, which objections, Excepting only some part of that about attests of Officers, He the said James Logan, to the Great Loss and detriment of this Province, did conceal from the Assembly then sitting, whereby several of the Laws then Enacted are Lyable to be repealed by the Queen, for the same reason as the former were; But if the said objections had been produced to that Assembly in due time, divers other laws of great moment to the People of this Province, which were objected against might have been amended and sent home with the rest of our Laws, intirely accommodated to the Expectation of the Board of Trade, which would have been the only way to Recommend them for the Royal allowance.

9. That the said James Logan, in that part of the said objections which he lay'd before the last Assembly, about the attests of officers, has wholly omitted what would have discovered how the Proprietr. was about surrendering this Govmt., so that the Imposts & forfeitures which that Assembly, for want of seeing the aforesaid Objections, have given to the Proprietr., contrary to the opinion of the Board of Trade, might have been appropriated for the support of Govmt.

under such administration, as the surrender had cast it without Indangering the several laws then past, directly opposing the said objections, which may prove most fatal to these as well as the rest of the laws to the Province in General.

10. That whereas the office of Surveyor General, and the Proprietors Secry. ought to be kept as they were at first intended, to be a mutual check upon each other, for the General security of the Proprietor and his Tenants; Nevertheless the said James Logan, Contrary to the Proprietrs. Intent by y^e first Institution of the said offices, and to the manifest insecurity of the freeholders and owners of Land in this Province, has since the death of Edward Pennington, late Surveyor Genl., kept both the said Offices in his own hands or Power.

11. That whereas the Charter of Priviledges has made provision for the recording of the Laws of this Province, in the Rolls office, forthwith, after they pass the Govr. and Assembly; Nevertheless, the said James Logan, Contrary to the said Charter, and against the liberty of the subject, has detained till of late the Laws past at the last Assembly, so that no authentick Coppies Could be had thereof for the service of the Countrey.

12. That whereas all Grants or Patents after they pass the Proprietrs. great seal, ought to be delivered to the Grantees, & not to be Conceal'd or vacated, but by due Procedure upon a scire facias, in a Court of Law or Equity; Nevertheless, the said James Logan hath detained several Patents from the owners thereof, untill they would comply with his unreasonable terms, and the said James Logan, of his own presumptuous mind, without any Lawful authority, hath vacated some of the said Patents, and Charged or Caveated, the Mr. of the Rolls, who had recorded the same Patents, that he should make out no Exemplification or Coppy thereof.

13. That after the Charter of Priviledges and Charter of the City of Philadelphia had passed the Proprietrs. great seal, & received the necessary sanction to make them Grants of Record, He, the said James Logan, to the great dishonour of the Proprietr. & with a wicked Intent to create divisions and misunderstandings between him and the people, did at divers times and upon several occasions, declare that the Proprietr. never intended to grant several things which are expressly Granted in the said Charters.

14. That whereas John Budd, at the last Election for the County and City of Philadelphia, was duly chosen Sheriff of the sd. City and County for this year, nevertheless the said James Logan, to shew his further Endeavours to subvert and betray the Rights and Privileges of the People in such Elections, hath advised or perswaded the said John Budd not to insist upon having the said office of Sheriff in the Right of the Peoples Election, But to take it as the Govrs. Donation; All which words, opinions & actions of the said James Logan were by him spoken and done, Wickedly, falsely and maliciously, to set a division between the Proprietr. and the people of this Province, & to subvert the Law and to Introduce an arbitrary Govmt.

And the said Representatives by protestation saving to themselves the Liberty of Exhibiting at any time hereafter any other accusation or Impeachment against the said James Logan, & also replying to the answer that he shall make thereunto, and of offering proofs of the premises or of any other accusation that shall be by them Exhibited against him, as the case shall require, do desire that he the said James Logan may be put to answer to all and Every the premises, & that such proceedings, Examinations, Tryals and Judgments may be upon him had, and used as is agreeable to Law & Justice, according to the Course of General Assemblys.

Resolved, that the said James Logan be Impeached upon the said articles.

Signed by order of the House, the 25th of febry, 1706-7.

DAV'D LLOYD, Speaker.

The form and manner of which being Considered, It was proposed as a Doubt whether the said paper could be taken for a regular Impeachment, and the Board was of opinion that there must be something further intended by the House to make it an Impeachment, because in the close of it, 'tis Resolved, that James Logan be Impeached upon these articles; But however it should be intended by the House, 'Tis Ordered that they be required to prosecute the matter without Delay, that speedy Justice may be done either to the Countrey or Secry., and that he may not lie under the Impu'ation of an Impeachment without Just Cause, which will best appear by bring'g. the House to prove what they have alledged.

The Secretary, desiring leave to speak a few words in his own behalf in relation to these articles, said that although it might be accounted unfortunate to any officer of a Govmt. to fall so far under the Displeasure of a House, which ought truly to represent the Countrey who had chosen them, as to be impeached by them, yet on the Contrary he Could not but be pleased with this Evident proof that House had given as well of his Integrity as of the motives of all their Conduct in y^e^ opposition they had given the Governr. in the whole Course of his administration. For there could not be a more flagrant instance given of their disaffection to their Proprietor & Govr. in Chief, whose merit towards this Province must in all ages to come, be acknowledged, than the two first of these present articles, which were most evidently levelled against the Proprietor himself, for surely no man could be so weak as to imagine that he (the Secry.) could possibly have any hand in drawing the present Govrs. first Commission, which having been done in London, was never seen by him till the Govr. himself arrived with it; But as that matter had been fully talked of above three years since, he conceived it to have been thus. Govr. Hamilton, at the Proprietors desire, drew his own Commission in the Common form, with all the powers usually Contained in such Commissions; of this the Proprietr. had a Copy with him in England, and from thence the present Govrs. first Commission appears to have been transcribed, for they very nearly agree; But no sooner was it observed to the Proprietr. that that Commission was in some parts inconsistent with the Charter of Privileges he had afterwards granted to the People, than he readily altered it, and sent another over, of which it was supposed the House could not be Ignorant, yet as that first step of the Proprietr., tho' a very innocent one on his part, served the disaffected in the year 1704 for a pretence for Clamour, the same spirit not only Continuing, but being (by the detestable arts made use of to impose on the Credulity of the ignorant) in a great measure heightened and improved, it now more clearly broke out in y^e rancour of those articles. That the rest of them that seem to relate wholly to himself are either generally so false or so groundless, that he should take it as the greatest favour that could be done him in the case to have an opportunity of speaking to them, tho' he should scarce ever be capable of doing it to the purpose, unless they should further explain themselves. In the mean time, he returns the Board his hearty thanks for their Resolution to press the House to bring on a Trial.

The Govr. also laid before the Board a Remonstrance he had recd. from the House, upon his Establishing Courts by an Ordinance, which was read in these words.

(The Remonstrance of y^e 28th of febry.)

The Remonstrance of the Representatives of all the freemen of the Province of Pennsylvania, in Assembly mett, sent to the Lieut. Govr. of the same Province, on the Twenty Eight day of february, 1706–7.

May it please the Governour :

We have always desired That a Good Correspondence may be preserved between the Govr. and this House, and whenever he has been pleased to let us know his objections to the Bill of Courts, which we left with him for his Concurrence above three months ago, We have from time to time, as far as we could in discharge of our Duty to the Queen, and Trust to the People we represent, agreed to every such amendment as the Govr. made appear to be necessary & Convenient for a Regular Establishment; Endeavouring as much as in us lay to accommodate the Bill to the minds of our Superiours, at home as well as to the Circumstances of the Countrey; bringing it as near as we could to an English Establishment, which in our opinion was the proper way to Recommend it to such an administration as the Proprietrs. surrender of this Govmt. may bring over us.

That our answer of the 22d Instant, as well to what remained in difference upon the Govrs. former objections, as to the new ones which he reserved in his message of the 24th of Xbr., and did not think fitt to impart to this House till the 19th instant, We thought might have satisfied the Govr. that we were (as we still are) ready to agree with him to revive the Courts with the pleas & process by a Law, and inasmuch as we found the Govr. averse to what we proposed for the Removing of Evil Judges, and for appointing fines and forfeitures to y^e Queen; Therefore, our Desires of having the Courts Established, and the right way to Justice opened, have prevailed upon our inclinations to wave further Debates about the Clauses relating to those two points, and leave them out of this Bill, So that the matters proposed by the Bill whereunto the Govr., by his message of the 24th Instant, seems Chiefly to refuse his Concurrence, are those about the method of Licensing of Publick houses, displacing of Clerks of the Courts for misbehaviour, And about settling officers fees.

As to that about granting Lycences, we find the former law in that Case repealed by the Queen, for no other Reason as we understand, but only upon the objections of the Lords of Trade, which is in these words, (vizt.) If the Govmt. be surrender'd to her Majesty this act cannot be Confirmed, Because these Lycences are to be granted by the Proprietr. or his heirs, or his or their Deputy Govr., and the penalties are in part appropriated to the Proprietr., and the answer which the Proprietr. made to this objection, We have in these words, to wit: I desire only the Priviledges Truly Proprietary, or as Lords of the Manr. of the Countrey, Except the Queen Pleases, at the Instance of the Board to make farther distinction; But we find no such distinction, But an absolute Repeal Ensued, Whereapon we conceived it our Duty, as well as we do assert it our Right, To adapt such parts of the Laws of England as may be necessary to supply the Defects of the Constitutions of this Govmt. And for that end, as well as to prevent the like objections for the future, we proposed by the Bill, that those Lycences should be granted by the Justices here as in England, which would have brought the magistrates into such as a method as might Effectually enable them to prevent, as well as suppress the disorders of those Houses. But what the Govr. is pleased to propose upon that head, (To Wit:) That no Lycence should be valid that is not Granted upon a Recommendation, amounts to no more Than what may be Collected from the Charter of Privileges which has been Eluded, & rendered very ineffectual to regulate those Houses, because the Govr., without the Recommendation of the Justices, has Lycenced some, (Tho' the Charter made him no such reserves,) and others who were rejected by the magistrates of the City of Philadelphia, have been Lycenced to keep Publick Houses in the City, upon the Recommendation only of the County magistrates, Which we find hath Weakned the hands of the City magistrates, and multiplies those Houses to that degree, that some of them, to promote their Trade, are reckoned the very sourse of debauchery in this Place.

As to what we propose by the bill about displacing the Clerks, we Coppy after a statute made in the first year of the Reign of King William & Queen Mary, agreeable with the Reason of other statute Laws of England; And for the fees we Informed the Govr. several times y^t we were Ready to augmt. them if sufficient allowance be not proposed by the Bill.

That notwithstanding all our Endeavours for a regular Constitution, We find (to our great surprize and dissatisfaction) That whilst the Govr. was sending messages to us about the Bill, & we spending our time to accommodate it as near as we could to his Expectation, He was pleased to Publish an Instrumt. or Ordinance for Establishing Courts, with a Proclamation to back it, Whereby the Govr. declares that this House would not agree to such a bill for that purpose as in the Just discharge of the trust reposed in him by the Queens Majesty & the Proprietr. he could by any means assent to; We know that the sincerity of our intentions & proceedings in this Assembly is sufficient to advocate for us in the hearts of all Impartial men. Therefore we are the less concern'd at present to make further animadversions upon the Govrs. actings in this matter and shall only observe.

That it has never been doubted by this House, But the Royal Charter give the Proprietr. and his heirs & their Deputies and Lieutts. full Power to appoint Judges, Justices and Officers, and to do all things which unto the Compleat Establishment of Justice unto Courts and Tribunals, forms of Judicature and manner of proceedings do belong.

And we are humbly of opinion that if it were not for this Clause, the Govr. barely as such would have no power atall to make Judges or Justices, for we understand that no subject can constitute such magistrates but by express power from the Crown; And when that power is pursued, they that are so constituted are vertually authorized by the Kings Grant under the Great Seal of England; So that we conceive this branch of the Royal Charter serves only to authorize the Commissionating of Judges & Justices and relates meerly to the forms of their Judicatures and manner of proceedings, and leaves the Jurisdictions and proceedings themselves to be supported and directed by a Law. And how far the Proprietarie or those magistrates so as aforesd. Constituted, can by Ordinances extend their Power without the Concurrence of the Peoples Representatives is Evident, from what follows in the Royall Charter in these words, vizt: And for as much as in the Govmt. of so great a Countrey, sudden accidents do often happen whereunto it will be necessary to apply remedy before the freeholders of the said Province or their delegates or deputies can be assembled to y^e^ making of Laws, neither will it be convenient that Instantly upon every such Emergent occasion so great a multitude should be called together; Therefore for the better Govmt. of the said Country, We will, ordain, and by these presents for us, our heirs and successours, do grant unto the said William Penn and his heirs, by themselves or by their magistrates and officers in that behalf, duly to be ordained as aforesaid, to make and constitute fitt and wholesome Ordinances from time to time within the said Country, to be kept and observed as well for y^e^ preservation of the peace, as for the better Govmt. of the people there inhabiting, and publickly to notifie the same to all persons whom the same doth or may any ways concern; Which Ordinances our will and pleasure is, shall be observed inviolably within the said Province, under pains therein to be exprest so as the said ordinances be Consonant to reason and be not repugnant nor Contrary, but so far as conveniently may be agreeable with the Laws of our Kingdom of England; And so as the said Ordinances be not extended in any sort to bind, change, or take away the Right or Interest of any person or persons for or in their life, members, freehold, goods or Chattles.

That the Proprietr. never thought fitt to extend his Powers to Establish Courts of such General Jurisdiction, as his Lieut. Endeavours by his Instrument now to do, nor did Colonel Fletcher, when he had the administration of this Govmt. under the immediate direction of the Crown, ever attempt to Establish Courts without the Assent of the House of Representatives; But on the Contrary, The Proprietr., in the beginning of his administration, and his former Deputies, as well as Col. Fletcher & his Lieut. as often as there was occasion to Establish or Regulate Courts of Judicature, did it by acts of Assembly.

We are still of opinion that the present Govr. cannot Establish Courts now by an ordinance without our Concurrence, not only because we are ready to agree with him in a Regular Establishment; But also for that in the Law of Courts lately repealed by the Queen, There is a Clause which declares that all the Laws formerly made & then in force, concerning the Erecting, Regulation and Jurisdiction of County Courts, Provincial Courts, or Orphans Courts are thereby repealed, which laws so repealed were formerly passed by the Proprietr. or his Deputies, and Ratified & re-enacted by Coll. Fletcher; And we understand it is a Rule in Law, that when an act of Repeal is Repealed, The first act that was repealed is revived, Which gives us just grounds to Conceive That the Laws about Orphans Courts, monthly and Quarterly Courts, & about apeal to the Provincial Courts pass'd by Govr. Fletcher in the year 1693, are revived by the Queens Repeal of that Law which Repealed them.

But supposing there be no Law to recurr to; Yet we are of opinion that when the Courts and Jurisdictions were once Establisht by a Law which is afterwards repealed, no ordinance can be Effectual without the Concurrence of an Assembly to Renew or Establish those Courts again; for if the Royal Charter had Given the Govr. Power to renew those Courts, It would have also enabled him to revive the Process; the one being so essential a Concomitant to the other, that without he can do both by his ordinance, he brings the subjects under greater oppression than before.

It is evident That the said Royal Charter directs the Legislative authority here to ordain and Enact Laws for any end appertaining Either to the Publick state, peace or safety of this Country, or unto the private utility of particular persons; and it is as clear that in regard the People have a share in that authority, they ought to have their sufferage in ordaining and enacting those things that appertain to the

Publick State peace or safety of this Province; Now that the Establishment of Courts and Judicatures appertains to the Publick State & peace of the Province, and highly concerns the Queens Prerogative, as well as the Lives, liberty & Estates of her subjects, We think it beyond all Doubt; Then the next thing to be Considered is how the Govrs. Ordinance stands in those respects; We find no Instances of Establishing Courts by ordinances of Govr. & Council; But in Govmts. under the immediate direction of the Crown, where the Council are in some Respect Incorporated to the Govr. And have Express Power to Erect Courts by their Ordinance which our Govr. & Council have not.

We perceive that the Govr. expects his ordinance to have the effect of a Law & requires Complyance therewith, under the utmost peril; And tho' it may now have a shew of a Regular Constitution Under a specious pretence, yet it will be Lyable hereafter to Receive alterations from the same will and pleasure that made it; And have continuance accordingly without being at all submitted to the scrutiny and inspection of the Queen (as our laws ought to be within the time prefixt by the Royall Charter, And we conceive that if theKing intended the said ordinances should be of so general Extent provision would have been made for transmitted them as well as the Laws,) That by the same rule that the Govr. made our Concurrence Insignificant to the Establishment of Courts, he may render ye sufferage of the Peoples Representatives so in all other matters Relating to the Publick state peace and safty of this Province, and expose the Tryal s of the lives and Liberties of the Queens subjects, & the determination of their Properties to very great uncertainties; But if an Assembly Could at any rate obtain a law for the Regular Establishment of Courts, and it happens that a Govr. who finds that such Judicatures does not suit his purposes will make it his business to procure a Repeal, without assigning any more reasons for it than is given us for the Repeal of the last Law of Courts; The people must be under a necessity of Re-enacting pursuant to his directions, or of submitting to his Ordinance, which is much the same.

All which matters & Reasons being duly weighed by the Govr, We hope he will be pleased to wave, insisting further upon his ordinance, and pass the Bill of Courts, with the amendments and alterations proposed by this House, and be satisfied that they ought not, nor can without defecting their Trust, depart from their former Resolves about Establishing Courts by Ordinances.

Signed by Order of the House N. C. D.

DAV'D LLOYD, Speaker.

The Design of which Remonstrance being manifestly to interrupt the holding of the Courts, and to prevent the Execution of Justice by any methods, but such as are agreeable to the House's own way and Humour, which from their alledging divers things that in themselves are not true, perverting the sense of the Royal Charter, and inferring divers unwarrantable Implications, they seem resolved, by all possible means, (to endeavour at least) to effect.

It is ordered that an answer to it be prepared, to be made use of where they may be feared to have such an Influence on the People as to obstruct the Good ends proposed by the Govr., in publishing his sd. Ordinance.

The Assembly having adjourned themselves, without due leave for the same first obtained from the Govr., and there being an absolute necessity, that the process should be revived if possible by a Law; 'Tis resolved, that the representatives shall be Summoned to meet again on the 18th Instant, without fail. Ordered, that writts be directed to the Sherifs for summoning the Representatives accordingly.

A petition from the Justices of the County of New Castle, complaining of divers Incroachmts. made by some of the Inhabitants of Maryland, upon Lands of divers of the Inhabitants of the said County, & that some of them had been actually served with writts of Ejectmt. under claims from Maryland, tho' their Lands lay within twelve miles of the town of Newcastle, was read, & 'tis ordered y a Letter be forthwith prepared to the Govr. of Maryland, to acquaint him therewith, & with the great Inconveniencies that must of necessity arise upon such Proceedings, seeing the matters in Difference cannot be determined, either by their Courts or ours both being parties, and therefore to advise him to refer to the matter to a Determination by Orders from England, and then adjourned.

The Secry's answers to y^e Assembly's articles of Impeachmt., entred before, as he briefly drew ym up, & sent ym to y^e Proprietor in London.

1st. I suppose this article hath only reference to y^e following, otherwise I understand nothing of it.

2dly. This is ridiculous, the Commission being wrote in England, but I suppose it arises from this, that when in the first assembly that the present Lt. held, those two Clauses were taken notice of to account for the matter; I told them that Coll. Hamiltons Commission being drawn by himself before y^e Charter of Privileges was granted, by the Proprys. Order, I sent over Copies soon after of all the publick Grants, Charters, Commissions, &c., & among the rest the Deputation to Coll. Hamilton, after which this Govrs. Commission seems to have been Copied in haste, from hence it has been Insinuated that I drew a Draught of a Govrs. Commission, & sent it over as fitt to be Copied after; Notwithstanding I had with y^e rest of y^e Council signed the Writing, declaring it was our opinion that the salvo mention'd was void in itself.

3dly. This is answered in the next preceding; But it must be observed, that in the Lt. Govrs. present Commission those clauses are left out, it is sealed and Recorded, but was not thought necessary to proclaim it.

4thly. D. LLd. is against patents, and would have all grants made like other common Deeds, to be drawn by such as the grantees would employ, I suppose only for his own Benefit, & pleads that 'tis none of my business to draw them. We grant our patents in the Proprys. name and stile, as is practised in all America, but he would have them in our own private names, Notwithstanding in Deeds drawn by himself, to be sign'd by attorneys, he prefers the method of making them the same way, Viz: in the name and stile of the Constituents, tho' but private persons; But it is false that I ever refused any man a Copy.

5thly. By this must be meant the quittrent of Philadia., Lotts, Liberty Lands, & the Welch Tract, wch have always paid from the year 1684, or the first general Location, and has scarce ever been disputed; the present article is occasioned, I suppose, by that obstinate man John Swift, who refuses to pay for his 2d Street Lott. The Rent in the Patents is always made 1 shilling sterlg. per &c., & I think is very Just.

6thly. If I had done so I know no Law nor Equity against it, but 'tis positively false, except where the Owners themselves request a Resurvey from the Office.

7thly. This also is false, tho' it has been the Custom here formerly, when two or three Purchasers have taken their Lands in one tract, without running any Partition lines. D. LLds. malice putting me on my Guard, I have wholly avoided it, because I know some shadow of an objection might be made against it.

8thly. When these arrived the last assembly was drawing near to a Close, and the Committee appointed to draw up the Laws de novo that were objected against by the attorney Genl., had gone through their Business, & were broke up, for this reason some members of Council & Assembly, that I shew'd them to desired they might not be Communicated till next session; the Govr. had them immediately from me the same day, & kept them till there was occasion for them, and when the actual repeal itself came over, they were delivered to the House then call'd on purpose, but they found no fault with their not being presented before.

9th. I laid so much of the objection by the Govrs. Order, (for these are not properly my acts,) as was necessary to the business in hand; but the true grounds of these two articles are this, that possibly if the House could have been alarmed at the Discourse of a surrender, of wch in that honest assembly there was little danger, they might have been practised on to put a stop to the supply. What is said of the same Objections lying against the last laws is false, for there are but two places in the whole Body of them that can be affected with these objections, & that was through Inadvertency.

10thly. The Resurveys being then the great business in hand, would have been found either wholly impracticable, or much more expensive under a Surveyr. Genl., wch was the reason yt there was none appointed, but I never made a farthing to my self by the office.

11thly. I was obliged to keep the Laws till I had taken Copies for England and for the Counties, & then I delv'd them.

12thly. I have always detained patents till what was due upon them was paid or secured, & no longer, & no honest man would desire them sooner, nor does he deserve the name they would make use of the Exemplification before he has a right to the original; this is truly the case.

13thly. What is said of the Charter of Privileges is utterly false, for I never mentioned one syllable about it to this purpose; But of Philadia. Charter I will maintain to be true what is here alledged, for they claim & receive all the fines within their Court, in wch they try all pleas of the Crown but Capital Crimes, which I affirm was never intended, having been Concerned myself in debating the whole matter at the time of the Grant.

14thly. The People had their Choice, 1 8br. 1705, according to Charter, and one of the two persons Chosen, vizt., Benjn. Wright, was Commissionated, an act of last assembly altered ye Charter in that point and makes the Election annual, but in the Close there is this proviso, viz: that no elections shall be made for any Sherif or Coroner before the time Limited, for those who are at present in those offices respectively shall be expired, wch time is Confessed to be 3 years. B. Wright lost his place for an official failure, & the assembly would have the choice return next year, viz: last 8br., but the Law says positively, there shall be no election till those three years are Expired, as 'tis interpreted by the Lawyers to whom it has been referred; a small number 'tis true chose Jno. Budd, & he petitioned the Assembly upon it, he several times also applied himself to me as his frd., upon which I promised him my Endeavours, but told him he could not come in upon that election, for it was not good by the Law nor any other way than to supply the Vacancy, upon Capt. Finney's being removed till the 3 years were expired, & thus I thought, then the Govr. was prevailed with to grant it to him; the Assembly sending for him he mention'd what had passed between us, not believing 'twas possible to make any ill use of it, but their malicious Chymistry extracted this out of it, for which he affirms he gave them no just occasion. As for my own part I only advised him as a friend, & between ourselves not to spend his money & time in suing for what the law (he would find) would Certainly give against him, but yt seeing he wanted the office, he would take it upon such terms as he could get it, which also were the only terms on wch it could Legally be granted.

J. LOGAN.

At a Council held at Philadia, March y^e 19th, 1706-7.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samll. Carpenter,
Thos. Story,
Caleb Pussey, Esq'rs.

James Logan,
Richd. Hill,
George Roche. Esq'rs.

The Sherifs of the several Counties having made returns of the writts directed to them for Summoning the Assembly, the Govr. proposed to the Board to Consider of the best method to proceed with the House upon this meeting, for that now seeing the Courts had been regularly held in every County, by virtue of the Governours ordinance, without any obstruction, notwithstanding all the Endeavours the House had used to prevent the same, by obtruding upon the grand Juries and others Copies of their last remonstrance, and by such other like methods, all wch proving ineffectual, there might be good reason to hope that the House being made sensible of this would rebate of their obstinacy, & be prevailed on to come at last to reason.

Upon which the following message was drawn up, and agreed to in these words.

ffrom y^e Govr. to y^e Assembly, March y^e 19th, 1706-7.

The Govr. being still desirous that all the wants of the Publick, should as far as in him lies be fully supplied, that fees may be regulated, & the pleas and process revived, thinks fitt to continue his offer to pass y^e Bill for Establishing Courts, upon y^e Terms of his last written messages.

The Govr. and Council were of opinion, from the House's message of the 22d of february, & still hope that the Assembly waved all those points that had been objected against, those of Licensing Publick Houses and Removing of Clerks, Excepted for the Regulation of fees could properly be no objection; The Govr. having always himself prest it.

To the first the House is desired to take it as the Govrs. positive answer, that the granting of Licenses being no part of the regulation of Courts, nor necessary to it, he will by no means agree that it be brought into this Bill; but is willing to Concur in any thing that can be reasonably proposed for the better Regulation of Public Houses. The Invalidity of the argumt. against the Govrs. Licensing of those Houses, taken from the objection of the Lords, is so very obvious that it requires no answer, for if because the Proprietr., after a surrender must not have that power; therefore, the Govr. ought at no time to have it, it will as well hold by the same argument, that because after a surrender the Proprietr. must not Exercise the Powers of Govmt., therefore there must be no Govr., and the House is earnestly Intreated to forbear troubling the Govr. with such empty amusements that only occasion loss of time, and by their weakness throw a reflection on y^t Legislative Authority, which were this the only Instance of y^{e} Kind, even in their last unwarrantable Remonstrance would not now be thus mentioned.

As for the Removal of Clerks, the Govr. is of opinion that there is as ample provision made by the Proprietrs. Charter as is necessary in relation to these officers; and being what the Proprietr. thought fitt to Grant; the factious humours that frequently predominate in these parts, render it unsafe for the Govr. to concede to more, tho' if there were that even Temperature here as in England, it might more easily be granted; but the House has often been told that our Circumstances, widely differing things will not equally suit and the House is desired to Consider, whether if the Govr. would absolutely refuse to pass an act for Courts unless the House would agree to establish a Militia for the defence of the Queen's subjects, and bring for an argumt. not only one particular statute of England for it, but a great number together with the Practice of it from the first beginning of Govmt., & further alledge that there are such acts past, not only in England, but also in every other Governmt. in the Queen's Dominions, and besides that it is the Express Command of the Govrnt. in England that there should be the same or something Equivalent here; should the Govr. absolutely deny to Restore the administration of Justice to the Countrey, unless y^{e} House would consent to this for which so many powerful arguments are produced, they are desired to consider what their sentiments would be upon it, and to think of the Parallel.

For settling the fees, the Govr. renews his former proposal of having it done by Committees, & the House is desired to return their answer without delay, but they are in general required to take notice that the Govr. is well assured of the sufficiency of his power in Eslishing the Courts as has been done, and that it was his indispensable duty so to do, and untill they shall be brought to another foundation by a Law he will assert that Power and Exact a full Complyance.

Signed by Order of the Govr.
JAMES LOGAN, Secry.

Ordd. that R. Hill & C. Pussey carry the sd message, & then adjourned.

At a Council held at Philadia., the 21st of March 1706–7.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samuel Carpenter,
Caleb Pussey,
James Logan, Esq'rs.

Richard Hill,
George Roche,
Joseph Pidgeon. Esq'rs.

The Govr. laid before the Board a message he had reced. last night from the House, in these words.

The Assemblies answer to the Govrs. message sent to the House on the 19th of March, 1706-7.

May it please the Govr.

Our desires to have the wants of the Publick better supplied, prevailed with us so cheerfully to embrace this opportunity of meeting the Govr. at a Juncture wherein our Domestick affairs may greatly suffer in our absence, the season of sowing the summer grain being begun, and our cattle at the weakest.

That in as much as the Govr., before our last adjournment on the first Instant, seemed so willing that we should not then be put to further attendance, but might repair to our habitations; We hoped y^t^ his calling us at this time would have been to pass the Bill of Courts with the amendments agreed on, or that he had some new matter to lay before us, which would Conduce to a more regular Establishment or bring the Bill nearer to suit the minds of our superiors, that so it might be more likely to obtain the Royal Sanction; But to our great disappointment we find the Govr. still insists upon the same points which we gave him our particular answers and resolutions upon, and see no cause to recede from, till reasons more cogent and applicable be advanced to Invalidate what we have offered, and still do insist upon concerning those parts of the Bill whereunto the Govr. refuses his Concurrence; Which we understand by his last message to be, that about Licensing Publick Houses, and about removal of Clerks, the one being by us proposed as the most effectual means to prevent the Debauchery of this place, and the other intended only to settle the method of Convicting such officers here as it is in England, which will render the Proprietrs. Charter more consistent & practicable in that Point, & be very safe for the Govr. to concede to.

We do not understand that factious humours have been so predominant here as when some were acting their parts to Influence y^e^ Election of Reprs. in the year 1705, and when the Militia were drawn up in a military posture to awe the Electors at Philadelphia, in the year 1704; But why the temperature of the People should be more uneven here than in England is not yet demonstrated, unless by the vulgar notion that the Intemperance of the Climate does Influence them, which cannot be justly inferred, for experience shews that tho' this place be, (as the Proprietor formerly observed) about the Latitude of Montpelier in ffrance, yet the People are generally averse to any, but an English Constitution, as is Evident not only by their dissatisfaction with the late ordinance set up instead of a Law for Establishing Courts, But when other attempts have been made upon their Birthright as English subjects.

We acknowledge, as the Govr. has intimated, that the Circumstances of the subjects here and in England, widely differ, and that Every thing which may suit the Generality there will not be proper here, Especially such as interfere with our Religious perswasions :

but to infer from thence that we ought not to have the Common Rights & privileges of freeborn English subjects, or adapt such parts of that Constitution as may supply the Deffects of our own in the matters now in Debate, we think as empty an amusement as any thing we have offered, and do earnestly entreat we may not be troubled further with such amusements, least it bring that reflection upon the Govr. which his message would throw upon that part of the Legislative authority wherewith we are at present Intrusted.

We can freely appeal to God and good men that we aim only at the Publick Good, and if we discover a weakness in what we offer, in order to a regular Establishment, We are Willing it should be placed to our own account, and that the Publick may not suffer for our defects in asserting those English Rights, which we rather admire than pretend to maintain by any other argument than only to assert them, as we are free born subjects, whereby we are justly intitled to them, and if the Govr. will be pleased to concur with us in settling our Constitution according to those Rights, he will soon perceive that the want of them is the grounds of dissatisfaction of us and the People we Represent.

As to the Express commands of the Govmt. in England, touching yᵉ Establishment of a militia, we are altogether stangers to, but as to the Parrallel, when the settling of a militia is proved to be as necessary to the well being of Courts of Judicature, as the Justices power in such Courts to Remove Clerks for misbehaviour, and settling the method of their Conviction, the House will acknowledge it to be to the purpose.

As to the Officers fees, we are still ready to Embrace the Govrs. Proposal, as we exprest in our answer sent him the 29th of the Last month, in Case the Govr. will acquiese with the rest of the Bill, and that the Officer first lay before this House an account of the fees they usually take, which they have not hitherto done.

Upon the whole matter, if the Govr be pleased to pass the Bill, we Intreat it may be with all possible Expedition; Otherwise we are Inclined to return to our own habitations.

Signed by Order of yᵉ House, yᵉ 20th of March, 1706-7.

Per DAVID LLOYD, Speaker.

To which it was Ordered an Answer should be immediately drawn, & it was agreed to in these words.

To the Assembly, March yᵉ 21st, 1706-7.

At calling of the House this last time together, I hoped that after they had seen the Courts regularly held in every County of the Province, to the great satisfaction of the most discreet & understanding men in the Govmt., they would have more seriously Considered their duty, and no Longer have insisted with such obstinacy upon unnecessary points, to the great loss & disappointment of the Publick, But to my own great trouble and the unhappiness of the People;

I find the same measures and temper are Continued, upon which I shall in General Observe, that if what the House aims at were really (as they say it is) the Publick Good only, it will appear that either they widely mistake the means in their present management, or else by some unhappy Influence think it their business, as far as in them lies, first to involve the Publick in Confusion, that from thence what some through their disaffection may account to be as good, may more probably arise out of it, for the present measures taken by them can never answer the End, by any direct or warrantable means, seeing unless they can have such points granted as are not all essential to the business in hand; (which is only to Establish the Courts of Judicature by a Law, and revive the Process) they positively refuse to open any way at all, by which the Queens subjects may have justice administred to them.

But as I have been informed, that among many other misreports it has been industriously Diffused & insinuated among the People, that I am not willing upon any terms to pass the Bill proposed to me by the House, which as it can be spread upon no other than a most malicious and wicked intent to possess the minds of her Majesty's subjects, with falsehood and Disaffection to the present Govmt., notwithstanding I am well assured, that the Courts are now Established upon as Legal a foundation as they can be with your Concurrence; I have thought fitt, & do here solemnly protest & declare, and Desire that Due notice may be taken of it accordingly; That I am not only ready, but desirous to pass the Bill for Courts, sent up to me by the present House, as soon as you shall think fitt to amend it according to the objections sent to you the 21st day of febry. las^t, which when once done there shall be no manner of Delay on my part, & if you refuse on yours since not one of those objections are upon points material to the being or Regulation of Courts, it will belong to others to Judge how far the Publick good has been Considered by you, and however the weaker part of the Countrey through any Indirect Endeavours by false suggestions and insinuations may be imposed upon; I shall be always satified in this, y^t I have in all my proceedings with you, endeavoured by the best advice faithfully to discharge my duty to Her Majesty, the Proprietr. & the People. But whosoever shall hereafter be found guilty of spreading such false and seditious Reports, as their Design can be no other than to disturb the Publick Peace and Tranquility of the Govmt., so they must Expect to be taken Notice of accordingly.

In the meantime, In the further Discharge of that Duty I must not only expect but require you. as you will answer for the Trust Reposed in you, That if you still refuse to agree to the Bill upon the Terms I have proposed; You without delay concur in renewing the former pleas and process, for which you have a bill before you, and without which the Countrey must of Necessity deeply suffer.

The unmannerly Reflections and false suggestions of your last paper, with your frequent groundless & abusive Insinuations of Arbitrary Govmt., are best left at this time without any other answer, for at first view they so largely shew the spirit and temper, they came from that these alone, with capable Judges, may prove as Effectual as any that can be given.

The Impeachment of the Secry. the House is desired to prosecute, and agree upon a time for it without delay.

Ordered, That Jos. Pidgeon carry the sd. message to ye House, & then adjourned.

At a Council held at Philadelia. April ye 18th, 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Thomas Story, Caleb Pusey, Esq'rs.
James Logan, William Trent, Joseph Pidgeon. Esq'rs.

The Govr. laid before the Board a message he had reced. from the House at their last rising which was read in these words:

The Assemblies answer to the Govrs. message, sent to the House the 22d of the month Called March.

May it please the Govr:

The House cannot at present remember that they have left any objection of the Govrs. against the Bill of Courts unremoved, save only those about granting Licenses to Publick Houses and Removal of Clerks, which we often acquainted the Govr., and now again do, that those things are the proper business and lye in the Power of Justices in England, & for that reason we Insist upon them here, and we conceive that what is Exprest by the Bill in those two points, is Implied in the Bill Recommended by the Govr. for Regulation of Courts; as to the Bill for Reviving process, which the Govr. thought fitt to lay before us, We acquainted him already that it is supplyed by our Bill, and if any thing be wanting upon that accot. we shall readily agree to make it most effectual, to give the parties concerned ample Relief therein, where they or the Courts lately sett up by Ordinance have left us any room so to do. Therefore we earnestly Desire that the Govr. would be pleased to Concur with us, & pass the bill with the amendments proposed in our answer sent him the 22d of the Last month, to his message of the 15th, and suffer not his Resentments or the Influence of Evil Councils to prevail upon him, either to misrepresent our Endeavours for the Publick good, or Reject our Proposals, because he thinks them not material to the being or Regulation of Courts. tho' it cannot be denied but they are absolutely necesssary to the well being of Courts and good Govmt. of the place, & if duely put in Execution, will Redound to the Honour of God and Publick wealth of the Province, wch we solemnly declare to be our only aim in those our proposals, & Desire that notice be taken thereof accordingly.

As to the Secry. we intend at our next meeting to prosecute him upon the articles already Exhibited, & in the meantime Expect that a Copy of his answer be Delivered to such as the Speaker shall send to Receive it.

We herewth. send several Bills, and have prepared some more, wch when Ingrossed, we have Ordered to be presented to the Govr. for his Concurrence.

We are under an absolute necessity, because of the season, to adjourn till the 5th of the month called May next; In the meantime, we Intreat the Govr. not to require our attendance, unless some new matters of Extraordinary moment Occurs, since the time at which we propose to meet is before the next Quarterly Courts come in Course.

Signed—DAVID LLOYD, Speaker.

The Collection of the money Granted by the Assembly for the support of Govmt., as also of the arrears of the £2000 granted to the Proprietor, being taken into Consideration, & the great negligence of the officers in Collecting the said money being complained of- 'Tis Ordered, that Peter Evans, High Sherif of the City and County of Philadia., be obliged to collect the arrears of both the said Taxes, within the sd. City and County, and also that the respective sherifs of the other Counties be also obliged, without fail, to Collect the said arrears within their Respective Counties, before the first day of July next, upon pain of incurring all the Penalties & forfeitures that for such neglects are to be inflicted by Law, of wch notice is to be given them by the Secry. immediately.

William Clark having Complained that certain persons in the County of Sussex have commenced suits against his mother as Exec'x. to his father, upon actions which depend intirely on the uncertainty of yᵉ Division Line & Boundaries between Maryland & that County, which actions if suffered to be entred in our Courts will be Construed as a giving up of our cause and part of the dispute to those of Maryland, since thereby their Right in ejecting will be directly owned.

'Tis Ordered thereupon that a letter be wrote to the magistrates of Sussex Court, Requiring them by no means to suffer any actions to be entred there, that in any wise Concern yᵉ sd Boundaries, & then adjourned.

At a Council held at Philadia., April yᵉ 28th, 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thomas Story, Griffith Owen, James Logan, William Trent,	Esq'rs.	Richard Hill, George Roche, Robt. ffrench.	Esq'rs.

The Govr. laid before the Board the Copy of an address from the

Govr., Council & Assembly of Maryland to the Queen, requesting her orders to the Proprietors of these two Provinces, to run the Division Lines and ascertain the Boundaries between them for the Ease of the Inhabitants, who have been much distressed by their uncertainty; Which address the Govr. said he had obtained on Saturday last, and thought fitt to lay it before the Board to be Considered.

And the said address being read and Considered accordingly it was the opinion of the Board that it was drawn so evenly and impartially, that it might be of equal service to this Province, as to that of Maryland, from whence it is sent; But that it is convenient that an address should be also sent from this place, which is ordered to be prepared, to be signed & sent in the names of such as afterwards shall be thought proper, & that in the meantime Copies of this address be sent to our Proprietr.

At a Council held at Philadia., y^e 7th of May, 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Samuel Carpenter, Thomas Story, Samuel ffinney, } Esq'rs.
James Logan, Willm. Trent, Joseph Pidgeon. } Esq'rs.

The Govr. laid before the Board seven Bills, which he had reced. from the House at their last rising, the Titles of which were read and are as follows.

An Act against menacing & Assault and Battery.

An Act to prevent Disputes which may hereafter arise, about the dates of Conveyances, & other Instruments & writings.

An Act that no Publick House or Inn, within this Province, be kept without License.

An Act for Impowering Religious Societies, Towns & Villages, to buy, hold and Dispose of Lands, Tenements & Hereditaments.

An Act of Privileges to a freeman.

An Act to prevent the sale of Ill tann'd Leather, and working the same into shoes and Boots.

An Act to oblige Witnesses to give Evidence, and to prevent false swearing.

Besides which the Govr. informed the Board that he had reced. a message to day from the House, acquainting him that they were mett & sitting, & that he had received from ym two other bills, whose Titles were read viz:

A Supplementary Act for the more effectual raising Levies in yᵉ several Counties in this Province, & the City of Philadia., & appropriating the same.

An Act for the Priority of Payment of Debts to the Inhabitants of this Province; after which the Govr. desired the advice of the Board what might be most proper to be done with the Assembly, Considering their former proceedings, and whether it would be convenient to proceed in Legislation with them untill they should Concur in reviving the Pleas & Process, upon which it was resolved that a message should be sent to them in these words.

The Govr. takes the Reviving of former Pleas and Process in Law, drept by the Queens Repeal, to be of such Importance to the Countrey that he must press the Dispatch of that, either by the Bill for Establishing Courts, according to his last objections and amendments, or by the separate Bill sent to the House before any other matters of Legislation.

The House is also desired to prosecute yᵉ Impeachmt. agst. the Secry. without delay.

Thos. Story & Jos. Pidgeon Ordd. to carry the sd. message, & yn adjournment.

At a Council held at Philadia., yᵉ 8th of May, 1707.

PRESENT:

The Honble **JOHN EVANS**, Esqr., Lieut. Govr.

Saml. Carpenter,
Thos. Story,
Griffith Owen, } Esq'rs.
Caleb Pussey,
James Logan. } Esq'rs.

Several members of Assembly waiting on the Govr., acquainted him that in the name & by order of the House, they were come to Charge the Secry., James Logan, with divers Crimes and high misdemeaners upon the articles of Impeachment formerly given in against him, and they desired the Secry. should be Ordered to give his answer in writing, to those several articles exhibited against him.

The Secry. craving to be heard, informed the Board, that when this Assembly first began to attack him in their votes, he designed to publish his Justification in the same manner that they had done their Charges, untill they had brought the matter into a form of Impeachment, containing divers articles, which because he could not so much as understand what was intended by them, he was uncapable of answering till they were explained and proved; that he desired at the time of hearing Clerks might be appointed to take the proofs and answers, and that the minutes taken by them should be approved, both by the

Assembly and himself to be truly theirs, and what they would own and stand by; To which the said members of Assembly agreeing they withdrew, and the Board took into Consideration the time that would be proper to appoint for a hearing, and the Secry. being called upon, proposed to come to a hearing to morrow morning, but it being thought more convenient that some further time should be taken to provide a place and give notice; 'tis appointed to be on the 2d day next, the 12th Instant, at 10 in the morning, a Convenient place to be sought in the meantime, and notice to be given at the time.

Ordered, that Thos. Story and Caleb Pussey, acquaint the House, that next 2d Day at ten in the morning, is appointed to hear the Houses Charge against the Secry. proved, and that notice shall be given of the place at the sd. time.

Ordered, that Saml. Carpenter desire of Wm. Clark the use of his two large Rooms, being the most convenient for y^{t} purpose, & yn adjourned.

10th of 3 mo., The Council mett & drew up a Representation to the Govr., agst. an act of Newcastle, Signed E. S. S. C., T. S., G. O., C. P., J. L., W. T., R. H., G. R., & J. P.

At a Council held at Philadia., y^{e} 12th of May, 1707., A. M.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Jno. Guest,
Saml. Carpenter,
Thos. Story,
Griffith Owen,
Saml. ffinney, } Esq'rs.

Caleb Pusey,
Willm. Trent,
Richd. Hill,
Capt, Roche,
Joseph Pidgeon. } Esq'rs.

The Council, according to appointment, mett first at the usual place, the Secrys. office, and then adjourned to Wm. Clarks House, being prepared for the purpose.

Ordered, that Capt. ffinney & Doctr. Owen, acquaint the House, that the Govr. and Council are ready to receive their Committee, in Order to prosecute their articles exhibited against the Secry. The said members returning, reported they had acquainted the House according to Order, but that the morning being now entirely spent, It was their desire that it might be deferred till the afternoon at 3 a Clock; at which time, if the Govr. would favour their request they would attend, & should send some members of their own to know his pleasure.

The Governour having proposed what was said to the Board, it was agreed to as reasonable, and the same members were Ordered to acquaint the House wth the same, if none of their own members should come before, & then adjourned to two in the afternoon. Ordered that Robt. Assheton take minutes of what shall pass at the Board, & act as Clerk of the same.

POST MERIDIEM, y^e same as before.

The Govr. and Council being mett, & (upon a motion made by a member) they took into Consideration how far it might be adviseable or safe for the Govr. to receive any accusations from the House, under the Title of Impeachments, to be prosecuted before him as Judge thereof, seeing such in England lie only before the House of Lords, to which there is nothing Parallel in our Constitution; and some time being spent in the Debate, It was Resolved, as the unanimous opinion of the Board, the Govr. cannot be safe in sitting as Judge upon any Impeachments in a Parliamentary way, there being no Law nor any thing contained in the Royal Grant that Impowers him so to do, but that accusations against Officers misbehaving themselves may and ought to be heard whenever there is occasion for it, and that Relief ought to be granted as the Case will require.

A message was sent to the House to inform them that y^e Council had now waited an hour beyond the time named by y^e House themselves, and therefore that if they would not hasten to attend, the Board would adjourn.

The House attended, headed by D'd. Lloyd, their Speaker, & the Doors were sett open to admitt those who desired to be present, of whom there was a great number; the Speaker applying himself to the Govr. said that the House of Representatives of this Province were come to attend the Govr. according to appointment, to prosecute their Impeachment agst. James Logan, Secry, & to receive his answer to the articles exhibited against him in febry. last, in Order to proceed to a Trial.

The Govr. told the Speaker that previous to that he must give the Assembly a Caution, which he should also take to himself, and he believed it would very much Concern them all to Consider it well before they proceeded in this affair which is this:

That he had some reason to question whether in this Govmt. there were any sufficient authority to proceed upon Impeachments in a Parliamentary way, since there is no middle state in it resembling the House of Lords in England, who can judicially hear and determine the Impeachments brought by the House of Commons; but here the prosecution arising from the Assembly, the trial must be before those that 'tis certain have not any power to act judicially by any inherent right; and he could not find that there was any such power granted here, either by the Crown or any law provided for it, therefore he much doubted whether it would be safe either for himself or them to adventure upon such a step, untill this Right more fully appeared; but that in the meantime he was willing to hear any Complaints of the Assembly, and to redress them as far as it should appear there is any just occasion.

To which the Speaker replied that tho' there were not any such middle state in this Govmt., yet the Assembly, by the Proprietors Charter, have a power to impeach, and if any thing be deficient in the Constitution, it ought to be amended; that this was not y^e^ first Instance of an Impeachment in this Govmt., there was one before in the minority of it, and the People thought it belonged to them of right; that those persons who could not be come at in the Common Courts, might be punished by some other method, otherwise they should want Justice against those that oppressed them, and we ought not to suppose but that the Constitution Designs that Justice be done to all persons; if 'tis short it must be mended, that the Peoples Representatives are the general Inquisitors for the Province, and what they find amiss, they must take measures to have redressed; some other members insisted on it that the People here by their Representatives, have an undoubted right from their Charter to impeach Criminals; and a member added that president Moore had been impeached in this Govmt. not long after the first settlement of it.

The Speaker again told the Govr. that they came there to receive the Secry's. answer that they might proceed to a Trial, & desired he might be Ordered to give it.

The Secry. Replied that it was absolutely impossible for him to plead to those articles, for in some of them he was charged with matters so unaccountable and inconsistent, that he could not so much as apprehend what the assembly intended by them, & therefore desired that they should first explain and prove them.

The Speaker insisted upon it that he should be obliged to put in answer to every article, that so they might proceed to a Trial, to which the Secry. still replied that it was impossible.

The Govr. ordered the articles of Impeachment to be read, which was done, and then the Secry. craved to be heard, & addressing himself to y^e^ Govr. said.

That he was very sensible it was no small unhappiness to any person to fall under the censure of the Representatives of a People; That in his Case he lay under some particular Disadvantages more than common. His years were not many, his Experience not great, for y^e^ management of all those affairs with which he had been intrusted; Yet he alone of all concerned in the administration was singled out to bear the whole weight of the Houses resentments; He was attacked, he perceived on a two fold acct. at first, as Secry. of the Govmt., which tho' nice enough of itself, yet compared with his other affairs, the Discharge of his Duty in it was easy, it was mostly executive, and being subject to the Orders of a Superiour, or employed in things of Course, it seldom carried any further difficulty with it, than to put those orders in Execution, & therefore this he hoped would not much expose him to any Crimination or Censure; But as he was attacked as a Commissioner & Secry. of Property, he lay under much greater Disadvantages; in this he had to doe with a great part of the Countrey in a matter that of all things is found to touch men the nearest, viz: their Estates; here every man Contends to Gain the best terms to himself; he proposes to himself what he thinks in his Judgment is reasonable, and what would suit him very well to obtain, and if he reckons wrong, and finds himself disappointed, the greater his zeal is for his own Interest, (as few men are wanting in that) the heavier is his Indignation against the person that stands in its way. Here tho' he is the last in Commission and y^e youngest of four that are appointed for matters of Property, he is pitched on alone to answer for all, and whatever has the fortune to displease is charged upon him only, which tho' it may appear very hard measure, yet he will not seek to decline it; he is very ready to stand out in all their behalves, and will cheerfully answer whatever he has heard or seen that can be brought against them.

When at first there was a noise of an Impeachmt., when he considered the Industry of some, (Whom he had long Experienced to be his Enemies,) in raking together whatever they could find that might make against him, he began to be apprehensive that in the Course of so many years they might by some chance or other be able to pick up something that might give him trouble; for he must readily own that he doubted not but there had some things past in his offices, that if more time had been taken to weigh and Consider, might have been better done, as all men find by experience, that second thoughts are the wisest, and there are few but upon reflexion may discover defects in what they first conceived which, were they to act over again, perhaps would be rectified, that some such things had occurred in his affairs he had no manner of reason to question, and therefore the Consideration of the Vigilancy of his Enemies, from whom he had long expected to see such an attempt, had given him some uneasiness, least possibly by inadvertancy they might have obtained an advantage against him; but he must confess upon sight of their articles, it was no small satisfaction to him to find that all they could do, all that could be brought against him after so much scrutiny into his actions, and so diligent a search amounted to just nothing; they had not one Charge against him which he was capable of understanding, but he very well knew he could either clear himself from it or be able to justifie himself in it; but that to make their Charge look with a better Countenance, they had asserted some things so inconsistent, so unaccountable, & altogether improbable, that he was extreamly hard put to it to understand so much as what could be intended by them; when they first exposed their articles against him, he had been advised and really Designed in the same manner to publish his answer in the Coffee house of Philadia. & other places, as they had done in their minutes; but when he came more fully to Consider their Charges, he found it impracticable, or at least unsafe, and therefore chose to Defer it till he could have a full opportunity of hearing not only an

Explanation of those unintelligible articles, but also the proof of them & of all the others together. That this Assembly had been very severe to him, as they had largely shewn ever since they have been a house, but that from their manner of proceeding in other respects, he had great reason to believe the Design was not so much levelled against him, as it was intended to wound another through his sides, and that as the Proprietr. himself was to be attacked by them, so they found it necessary to attack him also, who had been so nearly intrusted by the Propr. that the greater blame might redound to his principal and his particular services might be rendered ineffectual by this representation; but that now he hoped he should have a good opportunity of clearing himself before the Countrey, to whom he had been long represented under such Disadvantageous Colours, not only to his own great Loss, but the manifest disadvantage of the Proprys. affairs, in wch he was concerned; he therefore requested that the House might proceed to the Proof and explanation of their articles, and he would very readily answer to every thing they could alledge against him, when he once understood what was really intended by them; but that at present, while he was so much in the dark, he could not plead regularly to them, nor could he find what rule could be sett for his pleading; for the Govr. he perceived could not think fitt to take upon him the power of a House of Lords and Try an Impeachment in a parliamentary way, or if the Govr. should think fitt to agree to this, yet he knew not how we could be furnished with any certain rule for our Proceedings since that great Court had generally themselves recourse to their own Journals for their Direction in Impeachments, of which it was impossible for us to have the benefit here; again, since the assembly would by no means allow the Govr. & Council to be a Court in Common Law, there could be no precedents taken from any of those Courts for our direction; all therefore that remained was to proceed to what the nature and Justice of the Cause required, which was to come by the shortest methods to a true understanding of the Charges, & discover whether they were really true or not, which he earnestly craved might be done without delay.

The Speaker, applying to the Govr. said, that tho' the Secry. pleaded he was a minor, yet he should have more witt than to reflect on the assembly, and desired the Govrs. Protection agast. any Reflections or Indignities.

The Govr. said they should be protected in case any were offered.

The Secry. answered that he had given no cause, he hoped, for ye Caution. Divers members replied, & said he had taxed the House with attacking his master, and that this was an unjust Reflection, & that such things ought not to be supposed of an Assembly.

The Secry. rejoyned, that whether that was unjust or not, would best appear by their proceedings towards the Proprietr. in England, and that what is certainly true may be supposed at any time.

The Speaker moved that the Secry. might give his answer to the articles otherwise they had no business there; that they attended only to receive his answer, that when they had it they should proceed to prove every article for yn, they should ye better know what evidences they should have occasion for.

The Govr. told him, that those who accuse ought always to have their Evidence ready; this was the day appointed for ye trial, and it would appear strange, if instead of a hearing & Trial, as was generally expected, all this preparation should be only to receive an answer, & then proceed to appoint another day for what must follow; if the Secry. was ready to have the matter heard & desired it, he could not see why they should decline it.

The Speaker said they had Evidence enough at hand, he believed, to prove all the articles, but they could not be properly produced, nor could the House proceed to Proofs till the Secry. had pleaded, which he desired the Govr. to require of him.

The Secry. still replied as before, that he could not plead to what he did not understand; but if they would explain and prove their articles, he would answer very readily.

The Govr. Ordered that the articles should be read one by one, And the Clerk beginning with the first article the Speaker desired it might be omitted, being only a general Introduction to the rest.

Then the 2d article was read in these words.

2l ARTICLE.

That whereas, the late King Charles the Second, by his letters Patent to the Proprietr., Comands that the Laws Enacted by him or his Lieutenant, by and with the advice, assent & approbation of the freemen of this Country, or ye greater part of them or of their delegates, shall be most absolute & available in law, under a proviso, that such Laws be not repugnant, but so far as Conveniently may be agreeable with the Laws of England, & not adjudged or declared void by the King, his heirs or successours within the time, & after the manner in the said Letters Patent prescribed; Nevertheless, the said James Logan Endeavouring to render that part of the Royal Grant, as well as the power of Legislation, ineffectual to the Queen's subjects under the administration of this Govmt., did insert a Certain salvo or exception in the Proprietrs. Commission to his Lieutenant Govr., whereby the final assent to all such Bills as he was to pass into Laws in this Province, is absolutely Lodged in the Propr., notwithstanding such Lieutenant, Cloathed with the Royal approbation, & in all other respects qualified in the Proprs. absence to act in Legislation, did concur in the Enacting of those Laws.

The Govr. asked what Commission they meant.

The Speaker answered that they meant the Proprietrs. commission to him, and also that to Govr. Hamilton.

The Govr. asked the Secry. what he said to that article. He answered that such a charge very much surprized him, he knew it to be utterly false, & could not understand what the Assembly could intend by asserting a thing so very inconsistent, & improbable that they themselves he though could scarce believe it to be true; he wished the House would explain what was meant by those words, for surely it was something else than what they bear in any common acceptation, but as they stood there all he could say was he knew nothing at all of the matter.

Then the 3d article was read in these words.

3d ARTICLE.

That whereas by the Charter of Privileges which the Proprietor in a General Assembly held here the Twenty eight day of October, 1701, Granted to the People of this Province; It is (amongst other things) provided that the Elections of their delegates to serve in Assembly, should be on the first day of October, Yearly, and their meeting on the fourteenth of the same month, and that they should sitt on their own adjournment; Nevertheless the said James Logan, not Ignorant of the premises, but contriving & wickedly intending to violate that part of the Constitution of this Govmt., did insert a clause in the aforesaid Commission, which Impowers the Govr. by his Writts to Call Assemblies, & the same from time to time to prorogue or dissolve, as he shall see cause.

The Secry. answered that this was of the same piece & on the same foundation with the former; that what he had said in relation to that belonged as much to this; that untill they would proceed to prove their Charges he could never answer otherwise; he knew nothing of the matter charged against him, & therefore begg'd it might be explained; he desired to know what could possibly be intended by saying in express words that he inserted such & such clauses in a Commission that was drawn three thousand miles off, & that had never been altered here in one syllable; this was so gross that no man could imagine it, & the House must needs have some other meaning under those words, which he earnestly desired might be explained, that he might know what it really was that he had to answer; that he could very easily deny these articles in Gross, if that would be sufficient.

The Speaker insisted that the House of Representatives came there to impeach the Secry. of divers high misdemeaners and offences, with which he stood chargeable; that as they were the Representatives of the People, who conceived themselves aggrieved, they were obliged to it, and could do no less; that as for his own part he should be heartily glad if the Secry. could clear himself of every article; he came not there of malice, but in the Discharge of his Duty; that as by the Proprietors Charter they had an undoubted power to Impeach, so they ought to proceed according to the rules of Impeachments in England, & he was ready to prove that the Practice there was for the person impeached to give his answer in writing to all the articles against him before the House of Commons proceeded to any

Proof; That here notwithstanding the vast Disparity between the greatness of that august house & the meanness of ours, it would be safest to follow their Example in what we can, tho' in the main we fall infinitely short in proportion; that the Secry. therefore ought to plead directly to every article, & by a positive answer either Justify or deny the Charge. The Secry. replied that he could plead by denying the whole, if that would do, but no otherwise; it seemed a very unaccountable thing to him why there should be so much difficulty in obtaining the Justice of a hearing, and that no step must be made but what is in a sett form; that he never yet understood those forms, but was sensible that whatever they were, he was obliged to none of them in this case; for as the Govr. would not take upon him the Power of a Parliament, so the House would never allow him that of a Common Court of Justice, & therefore neither the Rules of the one or the other were binding upon him; in Case they could prove what the Rules of the Parliament were, which he had great reason to doubt they could not, for the reasons he had given before; that since he was under no necessity of tying himself up to forms, he would take care to keep clear of them, for he had observed how some had the art of hampering Justice, puzzling truth, & making easy things most difficult, all under the pretence of law; that he was resolved to make no other answer than to speak simply & directly in a natural method to all their Charges, without being manacled by any form that he was not obliged to; that he had no manner of skill in the Law, yet he had heard of Imparlances, Demurrers, & divers other hard names, which he conceived were methods to gain Delay on the side of the Defendt., & therefore admired why the House, that are y^e^ Prosecutors, under pretence of form, will stave off the matter from a present Trial, and he that is Deft. must press it on. wch he earnestly desires may be had upon any such terms as he can be safe in.

The Govr. desired the opinion of such as were present that professed the Law, of, whom there being only two; the first gave his opinion, that they should proceed after the manner of Impeachments in England, it would then be convenient for the Secry. to put in his answer to every article in writing, nor could he see any inconveniency that could arise to him by it. The Second was of opinion, that to plead specially to every article before Proof might be very unsafe for the Secry., & that he might find great inconveniencies in it, but that he might give a general answer to y^e^ whole, & deny them if he thought fitt.

The Secry. said he could deny them in gross, but he must desire to be excused, if he could not plead specially before proof unless obliged to it, for he was apprehensive of great inconveniencies in it.

The Govr. took some time to consider of the matter, and the Assembly withdrawing returned to their house, & the Secretary also withdrew.

The matter being for a Considerable time debated, It was resolved, that the following message should be sent to the House to be delivered to them in the morning, and 'tis ordered that Thos. Story & William Trent do carry the same.

The Govr. and Council having declared their opinion fully to the Assembly, that they are not qualified to hear and Judge of the articles exhibited against the Secry., as an impeachment according to the Parliamentary proceedings of England, and being no Judicial Court they cannot oblige him to plead in any form; But the Govr. being ready to hear any just complaints, either against the Secry. or any other officer, according to the usual method of ye Council Board, which is to put the Complainant on proof of his assertion, if the person complain'd against does not own it, and the Secry. having declared that he must in general disown the Charges exhibited against him in manner and form as 'tis there expressed, and that he can give no other answer untill proof be made. The House therefore is desired, without Loss of time, to proceed to the proof of what they have alledged, at two of the Clock this afternoon, at the same place, where the Govr. and Council will be ready to receive them.

And then adjourned till to morrow at two in ye afternoon.

At a Council held at Philadia., ye 13th of May, 1707, at Wm. Clarks.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Governr.

John Guest,	Esq'rs.	William Trent,	Esq'rs.
Saml. Carpenter,		Richard Hill,	
Thos. Story,		George Roche,	
Griffith Owen,		Joseph Pidgeon.	
Caleb Pussey,			

The Council being mett, the Govr. laid before them a message he had received from the House about noon, in these words, to which he had promised them an answer.

At the Assembly, ye 13th 3 mo., 1707.

1. It is the opinion of this House that the present Constitution of this Govmt., which vests the Legislative authority in the Govr. and Representatives of the People of this Province, does well Warrt. us to impeach, & the Govr. to Judge of such Impeachmts.

2. It is the opinion of this House, That ye Council having by our Constitution no share in the Legislative authority, ought not to sett with the Govr. Judicially upon such Impeachments.

3. It is the opinion of this House, that the Secry. ought to put in his plea or answer to every one of the articles of Impeachments exhibited against him, and that his answer be Reduced to writing.

4. It is the opinion of this House, that the Assembly do attend the Govr. at two a clock this afternoon, and acquaint him that they are

ready to prove their Charges agst. the Secry. when he puts in his plea, in form as is aforesaid; provided, that the Govr. will proceed to judgment thereupon.

Signed by Order of the House N. C. D.

Per DA'D. LLOYD, Speaker.

Which several opinions being taken into Consideration, The following answer was agreed on to be sent to them.

The Govr. and Council, upon all Inquiry they have been able to make into the nature of Impeachments in England, and the powers and Constitution of this Govmt. or any other in America, cannot think it safe for the Govr. to hear and judge of any impeachments in a parliamentary way; but are of opinion, that any endeavors to induce the Govr. to take upon him such a Power tend to lead him into many great Inconveniencies, and that the attempt could by no means be justifyed to Her Majesty and the Govmt. of England; and further that to invest the Govr. with this power without any Law for it, tends directly to betray the Liberty of the subject.

Notwithstanding which, 'tis the opinion of the Govr. and Council, that all just Complaints agst. any officer ought to be readily heard in such a method as is proper to this Board; and accordingly the Govr. is ready to hear what can be exhibited against yᵉ Secry. in the present case, and will proceed to give all the Relief that he possibly can in any point where he has failed of his duty, and Doubts not but such measures may be taken in the present affair, as will fully answer the just or reasonable Demands of the People.

Ordered, That Judge Guest and Caleb Pussey deliver the said message, & then adjourned till to morrow.

At a Council held at Philadia., yᵉ 14th of May, 1707, at yᵉ Council Chamber.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest,
Samuel Carpenter,
Thos. Story, } Esq'rs.
Griffith Owen,
Caleb Pussey,
William Trent. } Esq'rs.

The Govr. having this Day recd. a message from the Assembly, it was read in these words.

MESSAGE.

The Assemblies Answer to yᵉ Governour's Message brought to this House, the 14th day of May, 1707.

May it please the Governour:

It was a very great Surprize to the House of Representatives, when they attended at the Council Room on the Twelfth Instant, in Order to prosecute the articles of Impeachment against the Secry ; That the Govr., after he had by his several messages, and especially that of the 22d of March last, Given us an expectation of bringing the Secry. to trial upon the said articles, should question his own authority to Judge of such Impeachments; And when the Govr. had heard what was then urged on behalf of this House in that point, and had also heard several persons Learned in the Law declare, That if the Govr. thought fitt to proceed, the Secry. ought to answer to every article of the Impeachment, and that his answer should be reduced to writing; And the points brot. to issue before the Evidence should be produced to prove yᵉ charges agst. him. All which being left to the Govrs. Consideration, he was willing that we should withdraw, whereupon we Returned to our house, hoping that the Govr. would proceed to Tryal according to our repeated desires and expectations ; But on the 13th Instant, We received another message from the Governour, whereby it is Intimated, That he and the Council had declared their opinion fully to the assembly; That the Governour and Council are not Qualified to hear and Judge of the articles exhibited against yᵉ Secry., as an Impeachment, according to the Parliamentary proceeds; Whereas the Govr. and Council never declared any such opinion to the Assembly, And if they had we ought not to regard such opinion.

That after the said message was debated the house came to certain resolves, which were presented to the Govr., Whereby it appears, That the Constitution of this Governmt. does well warrt. the Represeatatives of the people to impeach and the Governr. to Judge of such Impeachments; and that the Council ought not to sit Judicially upon such Impeachments; And that the Secry. ought to put in his plea to every one of the articles of Impeachmt., And that we should attend the Govr. at two a Clock that afternoon, in order to prove our charges against the Secry. when he puts in his plea; provided, the Govr. would proceed to Judgment thereupon; Which Resolves were forthwith transcribed and Delivered to the Govr.

That about two a Clock in the afternoon that day the House mett, and having put their proofs against the Secry., in readiness for the Tryal, sent to know if the Govr. was willing to receive ym. upon the terms proposed by the said Resolves; And the Governr. promised to send an answer to the House immediately; But no answer being brought, some Hours after we sent again to yᵉ Govr. acquainting him That we were still waiting for his result; And the messengers returned the like answer as the others had done before; But the House having waited till about six a Clock in the Evening, adjourned.

And afterwards the Speaker, receiving a written message from the Govr., brought the same to the House on the 14th Instant, wch being read and maturely Considered; We are obliged to observe to the Govr. that it is the opinion of this House, That the power of Legislation being by the Royal Charter Granted to the Proprietr. with the

Representatives of the People of this Province; the method of Executing that Power, allways was as near as could be in a Parliamentary way, and the Concurrence of the Proprietary or his Deputy with the Representatives about Indicatories or other matters, has had the force of a Law, till disallowed by the Crown; And we understand that the Impeaching of Criminals is an Incident to the Legislative Authority for the Common safety; And that the Ends of Govmt. cannot be answered without it; And we find that the Proprietrs. Charter as well as the Law for ascertaining the number of members of Assembly, &c., passed by the present Governr. Give Express Power to the Peoples Representatives in Assembly to Impeach Criminals & Redress aggrievances, with all other Powers & Privileges of an assembly, according to the Rights of the free born subjects of England. But if there were no such Law, Yet we are humbly of opinion That the Royal Grant giving the Proprietor or his Deputy Power, with the assent of People's Representatives, to make laws & raise money, &c., does sufficiently authorize tho Govr., at the Instance of the Assembly, to hear, Try and give Judgment upon such articles of Impeachment or accusation as are now before him; And if he refuses, as he has hitherto done, It will render the assemblies Power of Impeaching altogether ineffectual, and lett the Secry. pass with impunity, though we are ready to prosecute & prove our Charges against him.

We are here also obliged to acquaint the Governour That it would have been more Candid, if he was really of opinion y^t the Constitution of this Government was Defective, and would not warrant him to sitt Judicially upon Impeachments; To have signified that at first, and not Tell us from time to time that he would try the Secry. upon the Articles exhibited by this House, Which put the Complainants to the Trouble of Getting proofs in readiness for trial, at the time and place appointed by the Governour for that purpose; And after the peoples Expectations were raised and preparations made to accommodate the auditory, although the Assembly were ready to do their duty in prosecuting the Secry., Yet he was suffered to trifle with them, instead of making his proper Defence to what was laid to his Charge.

But we are very much surprized to find how the Governour is prevailed to Decline the Legislative authority for the Tryal of Impeachments in matters not Cognizable in the Ordinary Courts of Judicature; And Endeavour, contrary to the advice of this House, to bring those Tryals into a Counsel of state in such a method as is proper to that Board, and yet at the same time declare that they are no Judicial Courts; And we are satisfyed that their methods cannot be effectual to act Judicially without the Concurrence and authority of Assembly, as appears by our former Resolves.

Signed by Order of the House, y^e 15th of May, 1707.

Per DAVID LLOYD, Speaker.

Which notwithstanding it contained little more than what they had delivered before, it was considered and debated, and an answer was Ordered to be drawn.

The Secry. attending, craved leave to present a Petition, which he did, and was read in these words.

THE PETITION.

To the Honble John Evans, Esqr., Lieut. Govr. of the Province of Pennsylvania, &c., and to y^e Council of the same.

The Petition of Jame Logan, Secretary of the said Province, Humbly Sheweth :

That the present assembly of the said Province having taking occasion, soon after their first meeting,to shew themselves angry with your petitioner upon acct. of the Station he is placed in, did collect with but too little regard, as it appears to the truth of matter of fact whatsoever they thought might serve to furnish out a Charges agst. him, and without calling upon him to answer those charges or making any due inquiry into them, did publickly expose their votes and articles against him by their Diffused Copies, not only in Philadelphia but in each of the other counties, by wch means your Petitioner has been grievously wronged in his reputation; his offices have been greatly Damaged, & the Proprietor himself, who is known to be nearly affected by some of those measures, very deeply suffers in his Interest. To Remedy which, as far as lay in his power, your Petitr. has earnestly Endeavoured to bring the matter to a fair hearing, y^t so the great Errors and mistakes contained in these charges, being upon trial, made appear his Innocence might be cleared, and the good People of the Province may no longer be imposed upon in in these particulars. But so it is, may it please this Honble Board, that your Petitioner hitherto has not only altogether failed of that Common Justice of being heard, which he has so earnestly desired, but he is now credibly informed, that instead of proceeding to make any Due Inquiry into the matter, or suffering your Petitr. to be Publickly heard in any ready or Expeditious method, which he Conceives would soon put an end to those groundless Clamours; there is encouragement given to all manner of persons to exhibit Complaints against him by way of Petition, to the Assembly for Relief, in points that either very little concern your petitioner, or in which he is not blameable as he should readily make appear, could he obtain the Justice of being heard in any proper way, even upon these Petitions; and by these means instead of having a Due Inquiry made, as in all such cases, there ought to be Clamour and noise only is increased against him, and the people thereupon are induced to believe, that under all these there must needs be some reality and Cause of great complaint, whereas in Truth your Petitr. does not doubt but he shall be able to make appear that there is no such thing; Which treatment, as he has generally mett with it from some persons who have, for many years, endeavoured to strike at his Reputation by false insinuations among the People, and not only at his but the Interest he is concerned for; So he conceives such practices are dishonourable even to the Governmt., and that it is incumbent upon the Assembly, who are appointed to redress the People's grievances, & your Petitrs. as well as others, to make an effectual & speedy Inquiry into the Premises, that such relief may be had therein as the nature of the Case may require.

May it therefore please the Govr. & Council to take such measures, wth y^e assembly, in bringing these matters to a speedy hearing, as may fully make it appear to impartial men, how far your Petitr. has been worthy of the Calumnics that have been spread agst. him, and how far he is either guilty on the one hand or innocent on y^e other. And you Petitr. as in Duty Bound Shall ever, &c.

JAMES LOGAN.

Which said Petition being also considered, It was Resolved that a message should be sent to the House as follows:

In answer to the last message from the Assembly to the Govr. presented this Day, the House is desired to Consider, That

The Parliament of England has a transcendent Power & Original Jurisdiction in itself by the Constitution.

The Govr. and Assembly of this Province have no power but what is granted. They have a power by the Kings Grant to Enact Laws which shall be of full force when made according to the Direction of the said Grant, and Published under the Seal but not before; No agreement of the Govr. and Assembly in any point, will give it the force of a Law unless Enacted according to those Directions; therefore Impeachments can be no part of the Legislation of this Govmt., and they are of too high a nature to be made Incidents, only much less will any Resolve of the assembly make that Law wch was not so before.

If the assembly are the general Inquisitors as has been said, they are then no part of the Judicial Power that should Try impeachmts., but are in those Cases only to prosecute; therefore the whole Power of Judging is given to the Govr. alone, without Law, which is to grant him a much greater one than ever he will be willing to use arbitrary in the highest, and it is strange the Assembly should offer it wn. there is nothing in the Kings Grant to Countenance it, and yet Dispute his Power of Establishing Courts, tho' in Express words granted by the Charter.

The Govr. has always been willing to hear the proof of the articles against the Secry., and when sufficiently made out he will be ready to make use of all the Power he is invested with to do Justice to the Injured, beyond which no reasonable man can expect he should proceed.

If the House are of opinion, that the Govr. has in himself the same Power in this Govmt., to hear, try and give Judgment upon Impeachments that the House of Lords has in England, or that their vote or Resolves can fully enable him so to do, as what they have said seems to imply they are desired to give it in Express terms accordingly. The Secry. finding himself aggreived by the Delay of Prosecuting the Charge agst. him, and presenting the annexed petition, thereupon ye House is desired also to take it into their Consideration, and Joyn wth what the Govr. has proposed in giving speedy Relief.

Ordered, That Saml. Carpenter & Caleb Pussey carry the said message, with a Copy of the Secry's Petition subjoyned to the same.

And then adjourned till morning.

At a Council held at Philadelphia, ye 19th of May, 1707.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Saml. Carpenter, Thos. Story, Griffith Owen,	Esq'rs.	James Logan, William Trent, Joseph Pidgeon.	Esq'rs.

An address from the Assembly to the Govr., Dated 16th Instant, was read in these words.

The Humble address of the Representatives of the ffreemen of the Province of Pennsylvania, in Assembly mett, the 16th day of ye month called May, 1707, Sent to the Governr. the same day.

May it please the Governour:

We having Considered thy message brought to the House about 11 a Clock this day, Return for answer, That tho' we readily acknowledge That the Parliament of England has a Transcendent Power & original Jurisdiction in itself, Yet the Branches of yt Power are attended with proper Incidents, which they apply for the necessary Support and Exercise of their respective Jurisdictions, as they see occasion for the Common Good; And so is the Legislative authority here as we Conceive, Vested with Proper Incidents to answer the ends of Government, though not expressly granted.

That the Kings Letters Patents having Constituted the Govr. and assembly here to be the two Branches of the Legislative authority, & the Negative Reserved in the Crown; We humbly conceive that the Govr. may, in some sense, be deemed to supply a middle state, Resembling (though in an Inferiour Degree,) That of the Lords where the Power of Judging upon the Impeachments of the Commons is Lodged by the Original Institution of that High Court, and when it happens that either of those two great branches of the Supream Power would render the Powers of ye other ineffectual to Redress Grievances, or answer any other end of that noble constitution. We understand that the Queen, out of her Royal Care and regard to the welfare of her subjects, is graciously pleased to Interpose, as we hope she will do in our Case, when it is represented how our Constitutions, founded on ye Royal Grant is Evaded, the subjects oppressed and left without relief, The Govr. tells us he has always been willing to hear the proof of the articles agst. the Secry., and yet at the same time refuses to act Judicially in such cases, Alledging a Deficiency of power for that purpose. whereby the Right of Impeachment in the Assembly is endeavoured to be Defeated, which according to the received opinion can be no more defeated than the right of Levying Money, for (as a learned member of the House of Commons said) what signifies the Power of giving of money for the safety of the nation, without the Power of Impeaching evil ministers that act for the ruin of the nation.

We admire that the Govr. should assume authority to render his Ordinance (wch he made in opposition to the advice of the assembly, whereby he gives himself Power to Constitute Judges, to try the Lives and fortunes of the Queens subjects, to be effectual in Law, and now deny the agreemt. of himself and the assembly to have any such force.

The Govr. was pleased to promise his Protection to the Assembly against the affronts and Indignities which might be offered ym. Nevertheless we find the Secry. is rather indulged to multiply his abuses, as appears by the Regard that has been given to his Bantering & Scurrilous Petition, filled with Invectives against ye assembly, which we will take further notice of, when Justice is like to be Executed upon those that so notoriously affront the Representatives of the People, as the said James Logan has done. In the meantime, We do no less than Request the Governour to Remove him from the Council, and put a stop to those great grievances complained of by the Assembly, which have been fully proved before a Committee of this House. But if the Govr. still continues his opinion, & will not try the said James Logan upon our Impeachments, We shall take Care to undeceive the World, and place ye delay, or rather denyal, of Justice where it properly lyes.

Signed by Order of the House,

Per. DAV'D. LLOYD, Speaker.

Upon which Information being given that the assembly had adjourned themselves for 3 weeks, without any Directions from the Govr., the matter was Left.

The Govr. having also recd. an address from the Assembly, relating to the Imposition laid upon Vessels trading to this place, and all vessels passing by the town of Newcastle, by an act of Assembly of the three lower Counties, for building a ffort at the said Town. Ordered, that the same should be read, which was accordingly done, & is in these words:

The Address from the Assembly.

To John Evans, Esqr., by the Queen's Royal approbation Lieut. Govr. of the Province of Pennsylvania and of ye three lower Counties of Newcastle, Kent & Sussex, on Delaware.

The humble address of the Representatives of the ffreemen of the said Province, in General Assembly mett, ye 10th Day of the month called May, 1707.

Sheweth,

That a Petition of above Two hundred and Twenty of the merchants and other Inhabitants of the said Province, but mostly of the City of Philidia., having been presented to this House, complaining of very great abuses and oppressions, wch some of the Inhabitants of the said County of Newcastle have Committed upon several of these Petitioners, by Colour of a certain Ordinance or act of Assembly, lately passed there by the said Lieut. Govr. and Representatives of the ffreemen of the said three lower Counties, Intituled An Act for Erecting and maintaining a ffort for her Majesty's service, at the Town of Newcastle, upon Dellaware; Which act, as also the several affadavits relating to the matters Complained of, being read; We thought proper in the first place to Consider the Royal Charter of the late King Charles the Second, to the Proprietary, bearing date the fourth day of March, in the three and thirtieth year of his reign, whereby the free and undisturbed use and Continuance in, and Passage unto and out of all the Ports, Harbours, Bays, Waters, Rivers, Isles & inletts belonging unto, or leading to or from this Country, With the other Powers and Liberties mentioned in the said Petition, are granted to the said Proprietary & Inhabitants of this Province, as the Petitioners set forth. And we further observe, That by the said Charter the Queen's Liege people of this Province are to be subject to no Laws, but such as are consonant to reason, and as near as may be agreeable to the Laws, Statutes and Rights of the Kingdom of England.

In the next place we have Inspected the late Duke of York's Deeds of ffeofment to the Proprietary, for the said three Lower Counties; as also the late King Charles the Second's Grant to the Duke for the same Lands, and we call to mind how the Representatives of the lower Counties broke off, and refused to proceed Legislatively, in Conjunction with the Representatives of y^e Province under the Proprietrys. administration ; But how far they can be Justyfied in making Laws to raise money upon the Queens subjects, We intend shall be further Considered hereafter. In the meantime we shall insist, That the Liberty of the free use and passage to and out of the Ports of this Province, granted by the above recited royal Charter, is well warranted by the Laws of England; And that no Imposition can by any act or ordinance made at Newcastle, be lay'd upon any vessel bound to or from any Port in this Province, wch doth not unlade at some Key or place within the said lower Counties. And we conceive, That upon a strict examination of their said act of Assembly, It will most evidently appear, that the Vessels not bound to or out of some port or place there, cannot Legally be obliged to comply with the Impositions of the said act.

Therefore, this House having fully and maturely weighed the nature of the said act, and the use that is and has been made of it; found themselves Obliged in Duty to the Queen, And Justice to the People they Represent, to come to the following Resolutions, Nemine Contradicente.

ffirst. It is the opinion of this House, That tho' the said Act of Assembly might be by the Govr. Intended for the Queens service and security of her subjects; Yet the manner of putting y^{e} same in Execution proves an apparent Violation of the said Royal Charter, as well as the Common and Statute Laws of England; And is destructive to Trade, and Tends to the Depopulating and ruin of this Province.

Secondly. That it is the opinion of this House, That the firing of shott at the sloop Philadelphia, in the several affidavitts mentioned, when she was duely Cleared at this port of Philadelphia as the acts of Navigation direct; And had the Govrs. Lett pass, and upon her Voyage to Barbadoes is not warranted by the said Act of Assembly: But that those who so fired at the said Sloop, after they had notice what she was, and how she was Cleared, ought to be prosecuted as persons Committing Hostillity against the Queen's Liege People.

Thirdly. That it is the opinion of this House, That in Case the master of the said sloop had been Lyable to pay either Powder. Money, or other mulcts imposed by the said acts, yet the forcing him out of the Vessel and Imprisoning him, when security was offered for answering the supposed offence is not warranted by the said act. But is most illegal & arbitrary.

May it Please the Govr., We having thus presented our opinion of the said act, we Entreat that thou would use the most Effectual methods put speedy stop to the said Exorbitant practices, great abuses and oppressions mentioned in the said Petition, (a Copy of which we herewith lay before thee,) and that the authors of those arbitrary actings and oppressions complained of may be prosecuted according to law, and be no longer permitted to abuse the Queens authority, and stand in open defiance of her royal Uncles Grant: Obstruct our lawful commerce, and Invade our Liberties, Rights and Properties, And under pretence of ffortifying the River for the service of the Queen, Committ Hostilities and Depredations upon her Liege people.

Signed by Order of the House N. C. D.
Per DAV'D. LLOYD, Speaker.

Y^{e} Govr. took up this Petitn. & it was not Entered.

The Petitn. from y^{e} Board mentd. y^{e} 10th Inst. was also read, and y^{e} Govr. thereupon said that if the Council would have taken the same method before the act was passed, he would have taken measures to have prevented all occasions of complaint at this time; but he declared that never any one member of Council, (one excepted,) nor any other of the Province had applied to him about it till he was attacked publickly in the street upon it, & that he was of opinion they had failed of their Duty in it, for he had earnestly pressed every member of the board to go down to Newcastle about that time that he might be assisted by their advice in such matters as might relate to the Province; but that scarce any one came, & therefore it lay at their own door that it was not prevented in neglecting to take suitable measures for that end.

A certain member, (S. Carpr.,) said That as soon as he was spoke to by the Secry., in pursuance of a Letter wrote by the Govr. from Newcastle, he immediately provided for y^e Journey together with another member, (R. Hill,) now not present, that they made as much haste down as the weather would permitt them, in Company with the Secry., but that meeting with the Govr. on the road, they were of opinion there was less notice taken of them than might have been expected; that in truth he knew of no business they or any of the Council of the Province had there, for it would not be taken well here, if men of the lower Counties that have no Interest in the Province, should come to sitt here to advise about passing of our Laws; but that the most proper method in his opinion, might have been to have acquainted the Council of the Province wth it here, before it had passed, seeing it so manifestly affected us, & he believed that this was also the method in other places in the like cases. Answer was further made, that it was believed very few of the Council knew that any such thing was in agitation, but that some members who had heard of it, as they (informed,) had spoke to the Govr. upon it; tho' perhaps the length of time had effaced it out of his memory, which they hoped would have been sufficient, and that besides that, it was not proper for those of Philadia. to attend that assembly, it was so bad a season of the year, & a time of so much business at Philadia., when Traders were generally in the greatest hurry about fitting and sending out their vessels before the setting in of the frosts, and the Closing of the River, y^t had it been proper to attend there, yet it would have been a hardship on them at that time to have expected it.

But that if the Govr. had thought fitt to acquaint & Consult the Council here with and about it, he would soon have found their Sentimts. to have been the same as they now delivd. them, & then this unhappiness, it might reasonably be hoped, might have been prevented. It was further moved that since the act was passed, & Contrary to the expectations of many, is now put rigorously in execution, (which because the act leaves the time as well as the place to the Govrs. appointment, they hoped would not have been.) It must now be considered what was next to be done to ease the Province, the Inhabitants of which do generally think that not only the Proprs. Rights, by the Royal grant, but also theirs are directly invaded by it, which leads the People with one voice to resent it, and Complain of the Grievance.

And all the members of Council present, further declaring their Opinion unanimously, that that part of the act is unreasonable, and unjustifyable, and may prove of pernicious Consequence to the Province hereafter, if it should now be tolerated, for by the same Rule y^e Province of New Jersey may claim the same Right of laying what Impositions they think fitt upon onr shipping that pass by them, & either they or the same lower Counties, especially if these Counties should hereafter fall under another Governr. than the Govr. of this Province, may proceed to clog & bar up our trade as they please themselves; if this Province should be so tame as to suffer the present Infraction upon their Rights, to pass upon them. Upon which, & such like argumts. some time being spent, y^e^ Govr. was pleased to tell the Board that he was sorry he was not made sensible of this in time before the act was past, for if he had, he should never have consented to any thing y^t^ might give the Province so much occasion of offence; that the obliging of all Vessels to call at Newcastle, he was of opinion was really a service, and no hardship at all upon y^e^ Province; that it was alledged to him that while none of y^e^ Province were obliged to pay powder money, only such vessels as belong'd. to Strangers that came to take away freight and business from our own vessels, & rather hurt than profit us, it could be of no damage at all to us, but that it is most certain a ffort at Newcastle will be of a general advantage, not only upon the account of security, but for the Reputation of the River; for the very name of a ffort, would be a discouragement to rogues to venture upon us.

The Council answered that they had no objection against a ffort, they were free to have as many as they thought fitt & could build, and that they had no great objection to make agst. our vessels calling there, provided it was not by a Law of their own making, who have no pretence for such a power, since free passage into and out of this Province is very largely granted and fully provided for by the Royal Charter to the Proprietr., and that if this Power be allowed them they may proceed to extend it to what degree they think fitt. That as to the provision made that strangers only shall pay the Powder money, and that therefore the Inhabitants here will not be sufferers by it, the opinion is grounded on a mistake, for the trade of y^e^ place in general is affected by it; but that were it otherwise, yet when vessels come from the sea, intending Directly for this port, to trade with us, they can have no Power or Pretence to Demand any Contributions from them upon any Pretence whatsoever; that upon vessels coming to them only to trade they may lay what impositions they think fitt; but they have no more right to concern themselves with our trade than that of New York or Virginia, and that since the Clause in the act Complained of obliges vessels trading with us from England & bound directly to Philadia. to pay Powder money as they pass Newcastle, it would soon appear how the matter would be resented in England.

The Govr. continued, that the business now in hand was to think of measures to remove this uneasinesss; that he should be obliged very speedily to call the assembly of the said Counties, & then he would lay what had been represented before them, & he doubted not but they would be brought to remove the present occasions of Complaints. In the meantime he would, according to the Councils request in the close of their Address, suspend the Execution of that part of the act, untill he had consulted the said assembly about it. & then adjourned.

At a Council held at Philadia., ye 10th of June, 1707.

PRESENT:

Ye Honble JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest,
Saml. Carpenter,
Willm. Trent,
Thos. Story, } Esq'rs.
James Logan,
Capt. Roche,
Joseph Pidgeon. } Esq'rs.

The Govr. informed the Board that last night he had received a message from the Assembly, to acquaint him that they were mett, and were a house, but that the Govrs. time that he had to spare here was so short that he could not possibly attend them, & therefore desired the advice of the Council about sending them an answer.

Upon wch, some time being spent, the following message, signed by the Govr., was ordered to be immediately sent.

GENTLEMEN:

It is by accident only that I am now in town at the time of your meeting, and not by design, for as you have taken upon you or Endeavoured at least to invert the order of Govmt. by adjourning your selves at pleasure, and then send me notice of the time when you think fitt to meet again, as if I were to attend your appointments and not you mine, so I must lett you know I cannot take notice of any such adjournments.

But being informed that the business of your present meeting is chiefly to agree to & sign some addresses or Representations, to be sent to England; I must require you forthwith to lay before me all such addresses or Representations as are or shall be prepared by you, and that you presume not to send any such out of this Govmt. untill they have been fully communicated to me, as they of right and Justice ought to be, and as is practised in other Govmts., & hereunto I desire your answer without delay; & then adjourned.

The next day but one the following answer was sent.

The Assemblies Answer to the Govrs. Message brought to the House, this Eleventh day of June, 1707.

May it please the Govr.:

Although the act for ascertaining the number of members of Assembly made the last year, in affirmance of the constitution and Known usage of this Province allows us to sett upon our own adjournments, Yet we do not remember that we have adjourned without acquainting the Governr. with the occasions and motives of our adjournments; and that we have been put to very great trouble in sending to his Country house & elsewhere, and as we never adjourned but with submission to thy call, when ever thou thought fitt to convene us again, so we never endeavoured to Restrict the Govr. to our appointments; therefore, thy suggestion of our taking upon us, or Endeavouring at least to invert the order of Governmt. is groundless. We expected by this Time thou had considered of the Bills we laid before thee long since, & would have been ready to pass them or tell us thou wilt not; as also to give the Province some Relief in those matters we complained of from time to time and can have no redress, wch is so great a neglect in thy administration, that we can do no less than Remonstrate.

As for what Representations we shall send to England, the substance of them is diffused in the several addresses, Remonstances & Resolves of this House, which have been already laid before thee; and what we add doth chiefly relate to the false alarum, & thy beating the Constable when he was doing his duty upon the Watch, with some other Practices unbecoming thy station, and as a repetition thereof may not be very grateful to thee, so we are not as yet satisfyed; That it is our duty to Lay before thee what addresses we make concerning those matters wherein thou either Refused or neglected to give us Relief.

And since we perceive the Govr. is not inclined to proceed with us either in Legislation, or to favour us with an answer to our addresses as we often desired; We think fitt to acquaint him, That being mostly persons of mean Estates, and whose personal care about our Domestick affairs is by the approaching harvest rendered Indispensably necessary, we shall be forced to adjourn till the Govr. shall find occasion to Require our further attendance.

Signed by Order of ye House,
Per DAV'D. LLOYD, Speaker.

At a Council held at Philadia., ye 15th of July, 1707.

PRESENT:

Ye Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story, James Logan, Willm. Trent, Esq'rs.
Richard Hill, George Roche. Esq'rs.

The Govr. Informed the Board that having lately, upon an extraordinary occasion, made a Journey among the Indians upon Sasquehannagh, he had caused a Journal of his transactions with ym to be drawn up, which he thought fitt to lay before the Board, but finding it to be somewhat deficient he should Defer it till the next meeting.

But that what he has now more immediately to Consult the Board upon is, that he had before his said Journey reced. informations, & had taken the Depositions of two Evidences, that one Nicole Godin, a french man, a bold active young fellow who had long kept abroad in the woods amongst the Indians, and was with them in Philadia. about three years ago, had been using endeavours to incense these People against the English, to stir them up to Enmity agst. the subjects of the Crown, and to Joyn wth our publick Enemy the ffrench to our Destruction ; Upon which information, he resolved before his return to have him apprehended, which after a tedious journey and considerable difficulties he had accordingly performed, & brought him a Prisoner to Philadia. in the Common Gaol, of which he now lies.

Also, that another native of france or its Dominions, ffrancios by name, having for some time Continued among our Indians on Sasquehannagh, without any License, had principally concerned himself in a barbarous murther, committed by the Shawanois upon one of their captive Enemies, for which act, because it would be accounted to be done by a Christian, & therefore might be of very ill consequence; the Govr. had caused him also be apprehended & brought to Philadia., where he likewise is now in Goal.

And the Govr. hereupon desires the opinion of y^e Board, and to Conclude upon such measures as may be safest and most regular for their trial.

A Question arose by what Law the said Nicole ought properly to be tried, & under what Denomination he ought to be Considered, whether as a subject of England since he had for many years resided in its Dominions, or as a subject of ffrance without protection, and therefore as a publick Enemy, or lastly as a spy.

But the matter being of some Concernmt. to the Publick Peace & safty ; it is Resolved, that measures may be taken to have the best advice from those who are skilled in the Law, as well in that of Engld. as the Law of Nations & of arms. And in the first place, the att'ny. General was sent for to attend, & after some small time spent in the Debate, it is further ordered, that John Moore & Thos. Clark, two other Practitioners in the Law, be also called to assist with their best advice ; who attending, accordingly the Govr. recounted the whole state of the matter, and requested their advice together with the said att'ny. upon this Point, viz :

Under what denomination a person is to be considered, who being born a Vassal of ffrance, and has never yet been taken into the protection of her Majesty's Govmt., tho' he has long continued within the limits thereof, has in the time of such Continuance, Endeavoured to raise the Indians that are our frds. and allies to Enmity and war against us, and to Joyn with the said persons Countrymen y^e ffrench, at present our Publick Enemy, to invade & Destroy her majesty's subjects, and to what manner of Trial such a Person is Intituled ; Or, in case it may be thought that the said person, by his long continuance within the bounds of the English Dominions, & by his once having a License for a few months to trade in the Province, has been under the Protection of the Crown of England, yet if he has been guilty of such practices as aforesd. how is he then to be considered, & in what manner to have his trial.

Upon wch Case, the sd. attory. Genl. & other Gentlemen were desired to give their opinions, and then adjourned.

At a Council held at Philadia., yͤ 22d of July, 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

John Guest,
Thos. Story, } Esq'rs.
Griffith Owen,

James Logan,
Richd. Hill. } Esq'rs.

The Govr. laid before the Board an acct. of his last Journey among the Indians, in these words.

The Govr., with Msrs. John ffrench, Wm. Tonge, Mitchel Bezaillion, —— Grey, & four servants, sett out from Newcastle the 27th of June, and yͤ next morning arrived at Otteraroe, where the Govr. was presented wth some skins by the Indians, and the same night we arrived at Pequehan, being received at Martines by O Pessah and some Indian Chiefs, who conducted us to the Town, at our Entrance into which place we were saluted by the Indians with a Volley of small arms. On Munday we went to Dekanoagah, upon the river Sasquehannagh, being about nine miles Distance from Pequehan. Sometime after our Coming here a meeting was held of the Shawanois, Seneqois and Canoise Indians, and the Nantikoke Indians from the 7 following Towns, vizt., Matcheattochousie, Matcheouchtin, Witichquaom, Natahquois, Teahquois, Byengeahtein, & Pohecommoati, an Indian presented to the Governr. and his Company, and all yͤ Indians there present, a large pipe with Tobacco, out of which every one smoakt, and then the Govr. acquainted the Indians that he had recd. a message from the Senequois Indians of Conestogoe and those of Pequehan, how that several strange Indians were amongst them, and Desired his presence there; that although he had the charge & care of many thousands of the Great Queen of Englands subjects, yet he was now come to this place to know their Desires, and was willing to serve them in whatsoever lay in his power; To which a Nantikoke Indian replied, that they were extreamly glad the Govr. was with them, and that they had waited ten days to see him. Adjunkoe, one of the Sachemaes of Conestogoe said, he was well satisfied with the Relation the Nantikoke Indians had given him of their affairs; Yet notwithstanding he was very desirous they should make it known to the Governour that he might also be satisfied with it; a nantikoke Indian took into his hands a Belt of Wampum from a Line whereon there was hung nineteen others, and several strings of Beads, and said that they had been given to understand the Queen had sent Orders, that the Indians should live in peace wth one another, and that they were sent to give some of those Belts in behalf of the Govr. of Maryland, and themselves to the five nations as our Indians also intended to do others for Pennsylvania & themselves, if the Govr. thought fitt, in order to Renew their League wth the five nations.

Govr. How long have you been at peace wth those nations?

Nant. Ind. 27 years.

Govr. What is the reason then of so many belts of Wampum & Strings of Beads?

Nant. Ind. We send them as a tribute.

Govr. I am very well satisfied with what has been told me, & with what the Govr. of Maryland has done, and had I been acquainted with this Business at Philadia., I would have sent a belt of Wampum as a token of friendship, to the five nations; but some of those five nations were with me not long since, by whom I sent a belt; and then Adjunkoe took a belt in his hands, saying he meant to send it to the five nations for Penn and themselves.

Indian Harry, by order of the Conestogoe Sachemaes, spoke in English to the Nantikoke, who all understood that language, as follows, vizt: Your are going to the Oanondagoes; be sure keep on your way; many may tell you several things to fright you, and that they are great men, and you will be killed. Yet keep on your way and believe them not, for you will find the King of the five nations a very great one, and as good a king as any amongst the Indians.

Govr. I am very glad to see you altogether at this time, and it is my desire, and shall be my Endeavour, that you all live in Peace. Your Enemies are ours, and whosoever shall pretend to Injure you, I will endeavour that you shall have satisfaction made for it. Then the Conference ended, and the Govr. treated y^e Indian Chiefs at Dinner, and at night returned to Pequehan.

Pequehan, 30th June.

PRESENT:

Shawanois Indians, & some of the five nations.

O Pessah spoke in behalf of the youth of his Town, as follows, vizt:

We thank the Governour for his kindness in supporting our People. We are happy to live in a Countrey at Peace, and not as in these Parts, where we formerly Liv'd; for then upon our Return from hunting, We found our Town surprized and our women and children taken prisoners by our Enemies.

Governr. The Indians may be assured of my protection, for we are one People. If in your absence any of your Enemies Endeavour to hurt any of your wives or children, they shall have redress; for I esteem an Injury done to you as to myself.

O Pessah. It was the nantikoke and Canoise Indians who sent for Our ffather, the Govr., and not we, therefore we are very sorry they Entertained him no better; but since they have not been so kind as they ought, We hope the Govr. will accept of our small present, which we now make him; for we are sensible the ways are bad, and that the Bushes ware out your Cloths, for which reason we give these skins to make Gloves, Stockings & Breeches, in place of those wore out.

Govr. I am well pleased with my Journey, and shall be always ready to do the like to preserve peace amongst you at home, and maintain your alliances abroad. I have now (to let you see what confidence I have in you,) Trusted myself in the midst of you, with a very few of our great Queen's subjects, although I could easily have brought with me very great numbers. I have been told that some ill Designing persons have frequently raised reports of my Intention to Destroy you; Pray, let me know the authors of these reports, and they shall be punished according to their Deserts. I am and always have been ready to do you all manner of Good offices, and will continue in the same mind towards you, therefore if any Person Insinuates the contrary to you, It is my mind that you secure their persons, and Give me Immediate notice of it. There has been formerly several alliances made with you, which you well know we on our parts have observed Punctually; and so shall continue to do, & wish you may do the same.

Then an Indian spoke in Behalf of the women. We are concluded in the alliances before spoken of, as well as our men; so we ask the Govrs. Protection, and desire the Govr. will kindly accept this present ot skins, which freely we make him, as a Testimony of our kindness.

Govr. I do accept your Present very kindly, and thank you for the same; & you shall always find me ready to protect and defend you, and will continue to treat you as friends and sisters. After which the Govr. spoke to the messengers from the five nations as follows, vizt.:

You must be sure you Remember to acquaint Your Chiefs that you have seen me here, and at the Shawanoise Town; & of the friendship and alliance that is betwixt us and the Indians.

O Pessah. I hope the Govr. will give us his hand in token of his friendship.

Govr. I will give not only my hand, but my heart.

During our abode at Pequehan, several of the Shaonois Indians, from y^e Southward, came to settle here, and were admitted so to do by O Pessah, with the Govrs. consent; at the same time an Indian from a Shaonois Town, near Carolina, came in, and gave an acct. that 450 of the fflatt-headed Indians had besieged them; and that in all Probability, the same was taken. Bezallion Informed the Govr. that the Shaonois of Carolina, (he was told,) had killed several Christians; whereupon the Governmt. of that Province raised the said fflatt-headed Indians, and joined some Christians to them, beseiged, and have taken as it is thought, the said Shaonois Town.

On Tuesday, 1st July, We went to Conestogoe, and lay there that night, and the next morning proceeded on our Journey, and arrived in the Evening within 3 miles of an Indian Village, called Peixtan. The Govr. had received Information at Pequehan, that one Nicole, a ffrench Indian Trader, was at that place, agst. whom great Complaints had been made to the Govr. of which he acquainted the Chief Indian of Peixtan, as also of his design to seize him ; who willingly agreed to it, but advised the Govr. to be very cautious in the manner : there being only young People at home, who perhaps might make some Resistance, if it were done without their first being told of it ; for this reason we lay short of the Village that night ; but Early in the morning we went within half a mile of the Town, & leaving our horses, march'd a foot nearer the same ; from whence the Govr. sent Martine to the Village : Ordering him te tell Nicole that he had brought 2 Caggs of Rum with him, which he had left in the woods, for fear any Christians were there; and withal to perswade Nicole to go with him and taste the Rum. Martine returned with James Letort, & Joseph Jessop, 2 Indian Traders, but could not prevail with Nicole ; upon this, Martine was sent back, with Orders to bring down some of the Indians, and Nicole with them ; then we drew nearer the Town, and laid ourselves in the bushes, and Martine returned with 2 Indians, whom the Govr. acquainted with his intent of taking Nicole, telling at the same time, he had spoken with to the Uncle of one of them upon that head, who ordered the Indians to submitt to the Govrs. Commands, with which they were contented, tho' we perceived too well the contrary, by their inquiring how many we were, and how armed ; and by the Concern they seemed to be in, when they found we were more men in number than they : but still Nicole was wanting; it was therefore Resolved to try once more if he could be got into the woods, accordingly Martine went again, and brought Nicole to the place where we lay concealed, and asking him to Drink a dram, he seized him ; but Nicole started from him and run for it,. when immediately we started out and took him, and presently carried him to the Village, (thro' which we were obliged to pass,) and there we found some Indians with Guns in their hands, who lookt. much displeased at what we had done, but we being in a readiness against any surprize, they thought it not fitt to attempt any thing ; here we stayed abot. half an hour, and then parted for Turpyhocken ; having mounted Nicole upon a horse, and tied his legs under the Belly ; we got within a mile of Turpyhockin about 2 of y^{e} Clock, on fryday morning, and about 7 the Govr. went to the town, from thence we went to Manatawny that night, & the next day to Philadelphia.

John Moore, of Philadia., Esqr., & Thos. Clark, two of the practitioners of the Law, to whom the case concerning the ffrench Prisoner, Nicole Godin, was referred, having given in their opinions to the Board in writing. and the attorney Genl. being called on, but not having his ready ; It was further alledged to be reported that the said Nicole, tho' a ffrenchman in speech & extract, yet was really born in the city of London, and therefore a natural born subject of y^{e} Queen.

Ewd. ffarmer, having long had knowledge of the said Nicole, &

being now in town, was sent for, who appearing declared that he often heard the Prisoner say that he was born (as he remembers) in Whitefryers, in London, but that his ffather came from Paris.

The said Nicole, yᵉ Prisoner himself, was sent for, to be examined before the board, and being brought in Custody of the Sherif, In answer to the several questions asked him by the Govr., he said that according to what his mother Informed him, he was born in Blackfryers, in London; that his mother carried him over into ffrance, and that his uncle had sent for him over again to Lond.; that about Twenty years ago he was brought over into this Country, with a ffrench Gentleman, who came hither upon the acct. of Doctr. Cox; & being asked what Countreyman he accounted himself, he answered that he now reckoned himself a subject of the Qeen of England, tho' of ffrench Parentage.

The Prisoner being remanded, It was ordered, That he should be tried by Indictments, as a subject of England, by the most expeditious methods, of which the attny. Genl. is to be acquainted, & required to prepare for it accordingly.

The Govr. Informed the Board, that several Strange Indians from Carolina, had lately arrived at the Shawanois Town, on Sasquehannagh, while he himself was there, of whom, and their coming away, there are various Reports.

Ordered, That a message be sent by Martin Chartiere, an Inhabit't. among the sd. Shawanois, at Peckquea, near Conestogoe, & now in Philadia., Desiring the Chief of said Shawanois, himself, or two or three of the Council, together with some of the principal of those Strangers, to Come to Philadia. as speedily as they conveniently can, and give the Govr. an acct. of the said strangers, and their reasons of leaving their native Countrey, to transport themselves hither.

Ordered, that the several Sherifs, of the respective Counties, appear without fail at this Board, on yᵉ 29th of this Instant, with their acct. of the Taxes committed to them, to be collected in pursuance of the Order of the 18th of April last.

At a Council held at Philadia., yᵉ 30th of July, 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Judge Guest, Thos. Story, Griffith Owen,	Esq'rs.	James Logan, Richd. Hill.	Esq'rs.

The accts. of the Sherif of Bucks were laid before the Board, in which accts. he returns divers persons not resident in the County. Ord'd. that he further attend to have Directions.

The Sherif of Philadia. likewise attended with the Lists of the Taxes, and Informed that he mett with some Difficulties about wch he desires the advice of the Board.

1. That divers persons who are returned by Capt. ffinney, not to have paid, produce Receipts, proving that they have actually pd. & others offer to prove paymt. by good Evidences, notwithstanding they took not Receipts.

2dly. That there are divers Lotts assessed in Philadia., which are not seated, and therefore he can find no person to answer for them.

3dly. When Exrs. in some cases refuse to pay for their Testators Estates, what method shall be taken to recover them.

The said Questions, with some other matters relating to those Taxes, being entred upon, & some time spent on the Debate, the matter was adjourned to be further considered at next sitting.

At a Council held at Philadia., ye 6th of Augst., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

John Guest,
Saml. Carpenter, Esq'rs.
Griffith Owen,

James Logan,
Richd. Hill, Esq'rs.
George Roche.

What the Sherif of Philadia. had requested to be directed in by the Board at last sitting, was taken into Consideration, and he was Ordered, in answer to his first proposal, To return to this Board the names of all such as alledged they had already paid Capt. ffinney their Respective Tax, and were ready to give any credible Proofs of it.

To ye 2d. To draw up a List of all such Lotts to be returned to the Assessors or County Court.

To ye 3d. To give also an acct. to the Board of such person's Estates as were deceased, and their Exrs refused to pay their assessments.

A Petition from Peter Evans was read, Shewing, That whereas the Petitioner is under an obligation to Collect the Remainder of Several Taxes, now due in the County of Philadia., which he is sensible requires considerable Time and Diligence, he cannot, because of the necessity he lies under to Execute the several branches of the Sherifs Office, afford so much time & use such sedulity as is requisite to collect the sd. arrears; and is further satisfied that no advantage can be reaped from the said Office, sufficient to compensate the expence he should sustain, if injoyned Solely to perform so ungratefull a Business, grown rusty with so many years negligence.

The Petitr. therefore craves of the Board to Consider the premises, & in Regard the said collection cannot be compleated without such unwearied Diligence as cannot be expected from one whose concerns in another office must not be postponed; that therefore the Board would appoint certain Persons in so many Districts of this County, as they shall think fitt, if not for both the Taxes incumbent on the Petitr., at least for the former, (viz: the Propis. Tax of £2000,) Which Petition being Considered and largely Debated, it was Resolved, That the Petitioner, without any further Excuse or Delay, be obliged, without Distinction, to Collect both the Taxes, upon pain of incurring the forfeitures inflicted by the said Laws. The Sherif of Chester County, who had the Collection of the Taxes for that County in charge, appearing according to order, & being found, upon Inquiry, to have made but a very Small Progress in Collecting the arrears of the said Taxes, since the Ordr. of the 18th of April last, by which he was enjoyned, without fail, to finish the said Collection before the first day of July last, upon pain of incurring all the Penalties and forfeitures that for such neglects are to be inflicted by the Law.

It was ordered, that he should have further time given him till the 15th of September next, to finish the said collection, within which time if he should not compleat the said collection, he should be fined for his Neglect to the utmost rigour of the Law.

The Govr. laid before the Board, accts. of the Expense he had been at in the two several Journeys he had made amongst the Indians on Sasquehannagh, the one in September last, the other a few weeks ago, which he desired the Board to Consider, and allow the same to be paid out of the fifty pounds per annum, granted by the Assembly for defraying the Charges of Treaties wth the Indians; And that the Board might, with the greater Conveniency, enter upon the Consideration of the said accts., he desired they would appoint a time and meet by themselves in his absence, & then adjourned.

At a Council held at Philadia, y^e 12th of Augst., 1707.

PRESENT:

Saml. Carpentr., William Trent, James Logan,	Esq'rs,	Richd. Hill, George Roche.	Esq'rs.

The Present members of Council having mett according to the Govrs. Request, to Consider his accts., the Law entituled an act for maintaining a better Correspondence with the Indians, by a Clause, in which Law an allowance is made for discharging the Expence of Treaties with the Indians was read, but some Difficulties arising upon it, the matter was adjourned till ten in the morning, at which time a full Council is appointed.

At a Council held at Philadia., ye 13th of Augt., 1707.

PRESENT:

Thos. Story, Jasper Yeats, Willm. Trent, Esq'rs.
James Logan, Richd. Hill, George Roche. Esq'rs.

The accts. laid before the Board by the Governr., together with that clause of the Law, by which such charges are to be allowed were taken into consideration, and some considerable time being spent thereon, the Board came to this Resolution; That the Govrs. last Expedition among the Indians, occasion'd by a message to him from those of Conestogoe & the adjacent places, upon the Nantikokes Design'd Journey to ye five Nations, was necessary for the good & for the service of the Publick, and that the Govr. shewed his care of it therein; that therefore all the necessary charges of the said Journey ought to be defrayed by ye Publick. But inasmuch as the circumstances of time would not allow the Govr., being then at Newcastle, to communicate the said Journey to and advise with the Council concerning ye same, and seeing ye Law for defraying such charges seems to Provide, that all messages and treaties that are to be allowed by the Publick, are first to be Ordered by the Govr. and Council. The Board, therefore, is Doubtful that their allowing of the said accts. will scarce be sufficiently warranted by the said Law, and the consideration of the former Journey is referr'd to the next sitting.

At a Council held at Philadia., ye 19th of Augst., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Samuel Carpenter, Thomas Story, Griffith Owen, Esq'rs.
James Logan, William Trent, Richd. Hill. Esq'rs.

The Govr. caused to be read to ye Board, a Lettr. wch he had recd. from the Sherif of Newcastle, giving an acct., that on the 18th Instant the Sherif of Cecil county, in Maryland, had by Virtue of Provincial Writt of that Governmt., Disseised by force of some of the Welch Settlers in the said County of Newcastle; upon notice whereof, he with several from New Castle had gone thither, seized the said Sherif of Cecil county, with one other person, brought them to that Town, & bound the Sherif over to answer it at New Castle Court. That the said Persons talkt very high and menacingly, & therefore the Sherif of Newcastle desired Directions from ye Govr. for his conduct, in case they should proceed any further; and hereupon, the Order of this Board of the 4th of March last, relating to the same affair was considered, in Pursuance of which Order a Letter very fully stating the case, had been wrote to the Govr. of Maryland, who had also answered the same, from all which the Board thinks it reasonable to believe, that the Govr. of Maryland was not at all acquainted with the matter, and therefore 'tis Resolved, that the sd. Govr. Should be again wrote to concerning the same, and be put in mind of the great inconveniencies that may Ensue upon such Contentions between the Queens subjects, about matters wch cannot be Decided here, and our Govr. is requested, in his own name, to write such a Lettr.

Resolved further, that the Care & Diligence of the Sherif of New Castle should be acknowledged in this affair, & that he be encouraged to continue the same, if any further attempts be made. The Govr. again pressed the Board to meet to Consider his accts., which was deferred the last time they mett, and he appointed five of the clock this afternoon for the time.

At a Council held at Philadia., ye 26th of Augt., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story,
Griff. Owen,
Saml. ffinney,
James Logan, Esq'rs.

Richd. Hill,
George Roche.
Joseph Pidgeon. Esq'rs.

The Council not having mett according to appointment, on the 19th Instant, in the afternoon, the Govr. Desired the Board to take the accts. of his Expences, in his late Expeditions among the Indians into consideration, and come to a full Result and conclusion about them; and further proposed, that he would leave the Council alone to Consider the matter fully by themselves, if they Desired it; But in the first Place, the Govr. Desired the Board to take again into their consideration the scruple that had arose on the 15th Instant, concerning his last Journey in not being first Communicated to, and expressly Ordd. by the Council; for if they were of Opinion that the said Journey was really necessary, they might be well assured in themselves that then they would have Ordd. it, if it had been laid before them; but since the message was brought from the Indians to the Govr., at New Castle, where it was then impossible for him to consult with the Council, & the Business requiring very great Dispatch, the Nantikoke Indians being all detained by our Indians for several days to wait the Govrs. arrival among them, he was obliged either to hasten away to them, which was at that time of apparent necessity, or to stay for want of an order of Council, & thereby entirely neglect the Message sent to him, which how injurious that might have proved to the whole Countrey, he desires the Board seriously to consider, and when they had done so, he hoped they would plainly see that his Journey did truly fall within the Intention of that Act; & further to weigh, if after he had undergone so great a fatigue among such a people without any manner of accommodation, but what must be carried with him, & in the most sultry season of the year, he must also be at the whole Expence of that Journey, notwithstanding there is an allowance made by the Country for such services, whether by such measures he should not be too ungerously dealt by.

And the Council hereupon did unanimously agree, that the said Journey was really for the service of the Publick, and that the Govrs. readiness to undertake such a Journey, & his exposing himself to such hardships Deserved all their acknowledgemts., and that all the Govrs. Charges therein ought to be born by the Publick; But the same Scruple arising, whether the Council can warrantably allow any charge whatsoever, by Virtue of that Act, for improving a better Correspondence with the Indians, wch was not first expressly Ordered by themselves.

It was after some Considerable Debate resolved, That the said Journey did fall Directly within the Intention of the said act; That in Case the Necessity of it could have been laid before this Board, before it was undertaken it must have been Ordered; And therefore 'tis Resolved, that all the necessary Charges of the said Journey & Treaty should be Order'd by this Board, to be paid by the Treasurer, out of the allowance of fifty pounds per annum ordered by Law for such services.

Order'd, That Thomas Grey, who attended the Governour in the said Journey and Treaty, do draw up the said acct. fairly and more particularly, and that he give in the same to the Board, at their next sitting.

At a Council held at Philadia., y^e 28th of 6 mo., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Thos. Story, Griffith Owen, James Logan, Esq'rs. Richard Hill, Joseph Pidgeon. Esq'rs.

The Govr. laid before the Board a Letter, which he had reced. abot. three, this morning, by an Express from New Castle, importing, That they had an acct. there; that the Govr. of Maryland had Ord'd. a Muster to be made of the Melitia of Cecil County, on the Eastern Shoar, to Morrow, and was to come over the Bay, and be present at it himself; the Design of which was apprehended to be to enable the Sherif to Execute the Writt of Ejectmt. by force which he had been prevented in a few weeks before, & the Govr. thereupon told the Board he thought it necessary first to inform the Board of this, and then to hasten down with all possible expedition to prevent, as far as lay in his Power, any Inconveniency that might arise from an attempt, if there were any real Grounds for the apprehension, tho' he hoped it would prove a Mistake.

At a Council held at Philadia., ye 2d of 7br , 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Saml. Carpenter,
Thos. Story,
Griffith Owen,
Saml. ffinney, Esq'rs.

James Logan,
Richd. Hill,
George Roche,
Joseph Pidgeon. Esq'rs.

The Govr. desired the Board to Consider what Judges would be most proper to be employed in a Special Commission of Oyer and Terminer, for trying of Nicole, the ffrench Prisoner, now in Philadia. Gaol, & it was resolved, That a Special Commission should be Directed to all the five Provincial Judges, that are at present in Commission.

The Govr. also Desired the Board to Consider whether it might not be Convenient to give the said Judges, in the same Commission, a Power to try Joseph Jones, of the County of Philadelphia, for the Crime for which he has been committed; because if he be tried by the Court of Qr. Sessions, he will Doubtless Traverse, and thereby Defer the Trial for 3 Months longer, which will lay the Principal Evidence agst. him, for the Queen, who is now in Town, attending the Trial, under the necessity of returning again from Maryland, in the Depth of Winter, to his great Inconveniency and trouble.

Upon which, after some time spent on the Debate, It was resolved, That the matter should be left to the Course of the Common Courts, without any further Direction. And then adjourned.

At a Council held at Philadia., the 12th of 7br., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Thos. Story,
James Logan, Esq'rs.

William Trent,
Richd. Hill,
Joseph Pidgeon. Esq'rs.

The Govr. Informed the Board, that for certain Reasons he must desire them without any Delay to finish the Consideration of his accts., & recommending the Matter to the Board, left it that the members might the more freely proceed upon them in his absence.

The Council call'd for the acct., wch T. Grey was Ordd., the 28th of last month, to draw up & lay before the Board; but that not being yet given in, it was Order'd to be brought to morrow at ten in yͤ forenoon, to which time the Council adjourns.

At a Council held at Philadia., the 13th of 7br., 1707.

PRESENT:

Edwd. Shippen, Thos. Story, James Logan, Willm. Trent,	Esq'rs.	Richd. Hill, George Roche, Joseph Pidgeon.	Esq'rs.

Thos. Grey presenting to the Board an acct. of the Govrs. last Journey among the Indians, according to the Order of Yesterday, amounting in the whole to Thirty four pounds Seventeen Shills. & two pence, and all the Articles thereof being Examined; It was allowed by this Board, and Resolved, that two third parts of the said sum should be paid by the Treasurer of the Province, and that the other third part should be referred to the three lower Counties to Discharge the same.

J. Logan, Secry., & Cl. Concij, being about the latter end of this month obliged to take a Journey to Virginia, was absent till the latter end of Novembr. following.

At a Council held at Philadia., yͤ 14th of Octr., 1707, A. M.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Saml. Carpenter, Griffith Owen, William Trent,	Esq'rs.	Richd. Hill, George Roche, Joseph Pidgeon.	Esq'rs.

The Return of John Haskins, Sherif of the County of Chester, of the persons chosen Representatives to serve in General Assembly, for that County the Year Ensuing, was read, and the persons elected and Returned, are ffrancis Chadsey, Willm. Smith, Saml. Lewis, Richd. Hayes, John Hood, Wm. Garret, John Bethell, & Evan Lewis.

The Return of Willm. Croasdell, Sherif of the County of Bucks, was also read, and Henry Paxen, Saml. Dark, John Swift, Wm. Paxon, Thos. Hilbourn, Wm. Biles, Ezra Croasdell, & Saml. Beakes, are Returned to be Representatives to serve, &c. for that county.

The Return of Peter Evans, Sheriff of the City and County of Philadia., was also read, and David Lloyd, John Roberts, Griffith Jones, ffrancis Rawle, Joseph Willcox, Robᵗ. Jones, Joshua Carpenter, & Saml. Richardson, are Returned Representatives for yͤ County; And ffrancis Cook, & Willm. Lee for the City.

POST MERIDIEM.

PRESENT :

The Honble. JOHN. EVANS, Esqr., Lieut. Govr.

Saml. Carpenter,
Griffith Owen,
Caleb Pussey,
Esq'rs.

Willm. Trent,
Richd. Hill,
Joseph Pidgeon.
Esq'rs.

William Biles, & John Bethell waited upon the Gover., and acquainted him that the House were mett, and were ready to attend him, it he was ready to receive them. And the Govr. acquainted them that he was in Council, and was ready to receive the House.

The Assembly accordingly waited upon the Govr., And presented Dav'd. Lloyd as their Speaker ; who Desired the Govr. would be pleased to Order them to Return, and make choice of another person for that office ; for that he was Conscious of his own Insufficiency for the undertaking. The Govr. answered that he was satisfied that the House very well understood their business in choosing of him, and therefore he was also with the choice ; and then made the following Speech :

GENTLEMEN :

Although, as I perceive the choice of Representatives in Assembly has fallen Genaly. upon the same persons now, as were in the last year, with whom so much time was unhappily lost, by I know not what Influences, wch. might and ought to have been spent in the service of the Country ; yet I am now to look upon you as a new choice, And you are to consider your selves as intirely disengaged from those differences and fruitless disputes, which they very improvidently and unnecessarily fell into, and maintained. And this you will find to be the first effectual advance to business, and without which it were in vain for me to meet you. I shall then, without any Design of Reflection upon the proceedings of the last assembly, (ffor they will have their weight elsewhere,) but for the benefit and use of the present, in a few words, point to those Rocks they split upon, wch. you may easily avoid. The Chiefest, and I think the cause of most of the rest, was the Assembly's being so fixed on, and tenacious of every thing they themselves proposed, tho' altogether foreign to the Great Business then in hand : No less than the Restoring to her Majesty's subjects, the Courts of Judicature, and Reviving the Pleas and process, the very Essentials of a well regulated Governmt. ; that severall things inconsistent with my Duty, tho' not essential, were put into a Ballance with those great Rights the People then languished for, which I do most seriously protest was my Earnest desire to pass a Bill for, and was ready to agree to every thing consistent with a Just discharge of the trust reposed in me for that end ; and I doubt not but when you to come to a Review of those affairs, you'l find that every thing necessary to the Establishment of Courts has been actually consented to, almost in the very manner proposed, (altho' many things in that bill might have been found at a time when there was less necessity for a Law, not altogether proper,) and that it must appear very unaccountable to Impartial men, that the House could not think fitt to agree that the Country should have any Courts at all, unless I would suffer a Bill, stuffed with various matters, not any ways then pertinent, to pass; I hope what I have said will serve for a sufficient caution to you, of falling into the like mistakes, whereby this Province, instead of Enjoying the Great advantages and benefits of the best of Constitutions, vizt: Assembles, may have cause to think them the Greatest Grievances.

Gentlen., what I have to offer to you for the Service of the Country, is to Recommend to your Consideration, the preparing Such a Bill for the Establishing y^e^ Courts, that may consist with Reason & my Duty to pass, ffor Certainly I shall pass no other; And this I Propose Not from any Necessity we lye Under of such a Law, the Courts being settled by as good authority as any is desired from the Royal Charter; but to Convince you that I'm still truly Inclin'd to give General Satisfaction by a Law, and to Remove those ill Impressions that have been made upon the Ignorant against the Present Establishment.

And if any thing on your Parts may be thought upon for y^e^ Honr. and Service of the Country, I shall freely Accept your proposals, And readily agree to wt. ever is Conducive to that End, when I return to meet you again, for you know how manifestly the affairs of the lower Counties interfere with those of the Province, by reason that her Majesty's service does Immediately require my presence there, whither I design to morrow, where I shall use all possible dispatch, and in the meantime it is necessary that you be adjourn'd.

And y^e^ Govr. having accordingly taken a Journey to New Castle, he there reced. the following Address from y^e^ House.

To John Evans, Esqr., Lieut. Govr. of the Province of Pennsylvania, &c.

The Address of the Representatives of the ffreemen of the Sd. Province, in Assembly mett, at Philadia., this 17th day of Octbr., 1707.

May it please y^e^ Governour:

We have Deliberately read and Considered the Copy of thy Speech made to us the 14th Inst., and finding it to Contain severe reflections against the last Assembly, obliged us to inspect their minutes and proceedings, and find they have taken great pains and used earnest Endeavours for the Service of the Countrey, who we are fully assured were well satisfyed therewith, so That we Conceive This sort of Treatment to be an Indignity offered them unbecoming thy Station.

Thou art pleased to tell us, That the Rock they Split on was their being fixed & tenacious of every thing they themselves proposed, though altogether fforeign to the business then in hand, vizt.: Restoring to the Queen's Subjects the Courts of Judicature, and Reviving the Pleas & Process, &c.

We find by the Journal of the House, That divers considerable alterations were made to accommodate the Bill of Courts, in Divers respects to thy mind; and upon a Review of the whole Bill, the Several Paragraphs of it having been distinctly read in this House, we are of Opinion, That it contains nothing foreign to the regular Establishmt. and well being of the Courts of Judicature; But on the Contrary, Considering the Magistrates here are generally such as have not been very Conversant in the Law; And that the Obtaining and Continuing those of greater Knowledge & Experience, will be both difficult & uncertain as well as Chargeable, the said Bill will be of great Use and Service to the Province in general, as well as to those Concern'd in the Magistracy in particular,to whom we concive it will be as a Directory for the Discharge of their Duties. Neither can we perceive any thing in it Inconsistent with thy Duty to pass; Nor, as at last amended, much differing from thy own Proposals, save in Two points; the one about displacing Clerks for Misbehaviour, And the other about the Justices granting Lycenses; Both which are agreeable to the Laws of England, that ought to supply the Defects of our own.

If the people then Languished for those great Rights, as thy Speech suggests, We Intreat the to consider That the Repeal of the former Law about Courts, came to thy hands long before that Assembly were Elected; And if the assembly in being, at the arrival of the said Repeal, would not agree with thee to Settle them by a Law, Thou hadst the Opportunity of doing it sooner in the method since taken, and applauded; & if blame was due to any on that account: We know where to place it.

We do not conceive that the Bill is stuff'd with various matters, not any ways pertinent; Nor that 'twill appear unaccountable to Impartial men, that the assembly then Insisted on what they did, as thou art pleased to suppose; which would Render not only them, but the generality of the freemen, who by a second choice, have signifyed their approbation of those proceedings, very Ignorant, as well as great Enemies to their own Interest; and were it true, they merit Pity more than Blame.

We are of Opinion, notwithstanding thy Protestation of a Desire to pass the Bill for Establishing Courts, and Pretended readiness to agree with the last assembly; That thy present speech, filled with Reflections & Invectives agst. them, cannot be well resented by the Countrey, nor be a prudent method of beginning Business with this House.

If the last assembly had been guilty of the Mistakes thou suggests, thy caution to us would be more reasonable; But they having used their Endeavours to obtain a regular Establishment, and shewd their Dislike to the violation and Incroachments attempted upon the rights of the subject, & we being resolved to follow their Example therein, and do what we can for the Publick good; There will be no just cause for any to conclude that this Part of the Constitution wherewith we are Intrusted, will become a Grievance to y^e

Province, unless we would concede That the Power granted us by the Royal Charter, should be render'd so precarious: as some would have it subservient to arbitrary Designs and Practices; Leaving the Grievances of the People unredressed, and those Evil Ministers & Officers that oppress and abuse the Countrey, to go on without Rebuke.

Thou art pleased to Recommend to our Consideration, the preparing such a Bill for Establishing Courts, as may Consist with reason and thy Duty to pass, and as thou seems resolved to pass no other, so we hope we shall never press (or so much as propose) it; Tho' we cannot but take notice, That thy suggesting a Doubt to the Contrary argues a Diffidence in us before Tryal, which looks something uncharitable; Thou art pleased to acquaint us, That we Lye under no Necessity of such a Law; And that the Courts are already settled by good authority, Only thou art willing to remove these ill impressions that have been made upon the Ignorant; If we were of that Opinion, We think twould be mispent time to do it by a Law.

But by the Complaints already laid before this House, of y^e^ great Injustice in those Courts, and abuses and Injury sustained by the Queen's subjects of late, in being Denied those Remedial Writts which even thy own Ordinance prescribes, shall be granted of course. We are sensible of the contrary, & have good cause to believe there is some Defect, which (as thou art pleased to say in another case) will have its weight elsewhere, if not speedily Redressed here.

And now to conclude what we conceive will be for thy Honour & the service of the Countrey, Is that thou wilt be ready to concur with us in passing such Bills, as may be truly for the good and benefit of the People under thy care, especially that the Current of Justice may be opened, (by a proper and Legal way,) which at present seems much obstructed; And that thou wilt consider the said Bill, with the others lying before thee for that end; All which we understand were prepared and presented by the last Assembly, tho' we find no answer upon their Minutes, either to the said Bill, or the Address about the New Castle Imposition, and other abuses yn. complained of; And if thou please to shew us thy objections to any of the said Bills, they shall have their due weight. Hadst thou favoured us with an account of the time, we should have mett thee, we might have adjourned accordingly, but being uncertain how long affairs may Detain thee there; We have, unless thou thinks fitt to convene us sooner, adjourned till the Nineteenth Day of Novr. next; And we hope & expect a friendly Meeting with thee, to proceed in further consideration of the said Bills, & such other matters as may occur or be thought necessary for the Publick good.

Signed by Order of the House, N. C. D.

Per DAVID LLOYD, Speaker.

To this Address y^e^ Govr. gave y^e^ following answer, drawn in his own hand.

GENTLEMEN:

I can't but be very sorry to find by your address of the 17th of Octobr., sent me to New Castle, that you have utterly rejected the good advice I had given you for avoiding those practices which proved Destruction to the advancement of Business, during the last Assembly, and that you have so positively Enter'd into a Resolution of following their Example. The Consequence of which will be the losse of another year, wch. I know not how you will be able to answer for, since you have thought fitt to make their proceedings your precedent, wch. I have in discharge of my Trust, fully represented to her Majesty's Council for the Plantations, and thereby excluded yourselves from the benefit of my last offer to you of a law for Courts; I shall think it my Duty to wait those orders, as I have good cause to Expect will be given thereupon; and shall not so mispend y^e Country's, & my own time, as to give those so often Repeated arguments against unreasonable Demands, to men Endow'd with so Extraordinary a faculty of Resisting Even Reason it self, & their own happiness, and miserably perverting all offers of favour & Indulgence made to them, of which this address has given Renewed and full Instances; & tho' it were too tedious to take notice of them all particularly, Yet I shall mention one whereby it may be plainly seen what base returns have been made, and may be Expected from such tempered men. You tell me that if the People then languished for these great Rights, (vizt.: the administration of Justice,) that you entreat me to consider that the Repeal of the former Law about Courts, came to my hand, long before that Assembly were Elected; and if the Assembly in being at the arrival of the said Repeal would not agree with me to settle them by a Law, I had the opportunity of doing it sooner in the method since taken & applauded, & if blame be due to any, you know where to place it.

When the Speaker of the present House was one member, with three other Gentlemen,* who were sent by that House, in a Message to me, Earnestly to request the putting off to the next Election, y^e Consideration of a bill for Establishmt. of the Courts, which I had caused to be prepared and sent to them, & wch I very unwillingly, at their Importunate Desires, consented to; And this is the Return I have mett with from you, and it is very Easy to know who has misled the House in this particular, and Suffer'd you unjustly to impute blame to me, when you should have been informed (as you might from your own Journal) it was not there due. So that such unfair dealings, having left me intirely without hope of any Change in you for the better; I shall only in the mean time take care that the Countrey may not be loaded with the great Charges that would Accrue by the tedious and fruitles Sessions of this their Second Choice, wth out the hopes of any Equivalent of profit to them.

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* Vid. Min. of 3d Octob., 1706.

But before I dismiss you, I cannot omitt taking notice to you, & yᵉ World of the Strange Treatment I have mett with from you, by your unjust imputations, Reflections and Invectives upon my Speech, made to you at your first meeting, Wherein I defy any Reasonable man to Shew me the least Provocation for such Language; But I may cease wondering, when I consider that it is done by men, who at the same time have taken the Liberty to tell me that my Most Serious protestations (yᵉ truth of which may only be judged by God & my own Conscience) are but pretended; a Treatment so savage that the most Inferiour and basest sort of men are not suffered among themselves to use it with impunity, wch nevertheless you have made the Stile of a house of Assembly to their Govr. while he is Discharging his Duty; What is due to such Language between Man & Man, is well known to the World; but I must confess I am to Seek at present what return to make to yᵉ evil Tongue of a Multitude, wherein is Shame & dishonour, but hope ways may be found to Reduce them to their own good, and bring them to a just Sight of their Error. And in the mean time I do hereby Signify to the House that they be prorogued to the last Day of September next, unless her Majesty's Command or some other Exigence Shall Require your attendance before that time.

A ta Council held at Philadia., the 31st of 10br., 1707.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Thos. Story,
Griff. Owen,
Willm. Trent, Esq'rs.

Rich. Hill,
George Roche,
Joseph Pidgeon,
James Logan. Esq'rs.

The Govr. laid before the Board, a Letter wch he had recev'd yesterday, from the New Board of Trade, dated the 7th of May last, Signed by the Lds. Stamford & Dartmouth, J. Herbert, Th. Meadows, J. Pulteny, & R. Monkton, directed to the Proprietr., Informing him that her Majesty had been pleased to appoint ym. with Mr. Stepney, Commrs. for promoting the Trade of that Kingdom, & for Inspecting & Improving her Plantations in America, & that in pursuance of the Trust Reposed in them, they should be ready to receive Informations from the Govr. in point relating to her Majesty's Interest, and accordingly the Govr. is directed, from time to time, to apply to them as there may be occasion.

At a Council held at Philadia., the 24th of ffebry., 1707.

PRESENT :

Edwd. Shippen,
Saml. Carpenter,
Thos. Story,
Griff. Owen,
Saml. ffinney, Esq'rs.

Willm. Trent,
Richd. Hill,
Joseph Pidgeon,
James Logan. Esq'rs.

There being a Necessity for the Council to be convened in the Govrs. absence, upon a Message from the Indians of Conestogo, by Harry the Interpreter, they mett accordingly; And the said Messenger laying upon the board Six loose strings of white Wampum for his Credentials, declared that he was sent by the Queen and the Principal men of Conestogo aforesaid, to the Govr. and Council here, to acquaint them that divers Europeans, namely: Mitchel, (a Swiss) Peter Bezalion, James le Tort, Martin Chartiere, the ffrench Glover of Philadia., ffranck, a young man of Canada, who was lately taken up here, being all french men, and one from Virgia., who also spoke french, had seated themselves and built Houses upon the branches of the Patowmeck, within this Govmt., and pretended that they were in search of some Mineral or Ore, that in the Governrs. name they had required the Indians of Conestogo, to send some of their People with them to assist them, and be servicable to them, for wch the Govr. would pay them ; That those of Conestogo, not thinking these Proceedings to be consistent wth their past Treaties and Leagues of ffriendship, desired to know whether the said persons were really sent by this Govmt., & had thus seated themselves by their approbation, & whether they had any Orders to desire the assistance of the said Indians, if not that then they might be called home. The sd. Interpreter further added, that altho' Mitchel was the person who had first led the rest thither, yet he had left them for many weeks past, and pretended that he wanted one Clark, of Maryland, (who is said to be now under an Attainder, by an act of Assembly of that Govmt.,) to assist him in the Discovery ; And the said Messenger being asked divers other Questions relating hereunto, he was order'd to withdraw.

The Council taking the Premises into consideration, first inquired whether any of the above mentioned persons had a License to trade, in pursuance of the Act of Assembly, lately pass'd in this Province, for maintaining a better Correspondence with the Indians, & thereupon the form of the License was read, and an acct. of all those who were Licensed in pursuance of the said Law, was produced, by which it appeared that none of those before mentioned is Licensed, Saving Peter Bezalion, and that if they had all been so, yet that would not Justify them for seating themselves in such a manner as has been before Express'd. Whereupon it was resolved that an Answer should be prepared to be sent to the said Queen, in which her care in acquainting this Govmt. wth. what y^e said messenger had related, should be acknowledged, and y^t the afore-mention'd person.

should be forthwith required to repair to Philadelphia, to give an Acct. of the Reasons of their Seating themselves in the aforesaid place, and the Secry. is ordered to prepare the said Answer against four of the Clock in the afternoon, to which time the Council is adjourned.

At a Council held at Philadia., the 25th of ffebry., 1707.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Saml. Carpenter,
Willm. Trent,
Richd. Hill, Esq'rs.

George Roche,
Joseph Pidgeon,
James Logan. Esq'rs.

The Govr. arriving yesterday in the afternoon, before the meeting of y^e Council, it was Deferred by his Order till this morning; But being now Convened, the Minute of Yesterday was read, Whereupon the Govr. informed the Board, that he had heard some Considerable time ago, of Several persons who had gone abroad into the Woods, in Expectation of discovering some valuable Mines, and that particularly Mitchel, the person mentioned in the foregoing minute, had been very Busie, and much abroad; that finding a time last summer when he was return'd to town, the Govr. had sent for him, and required to know of him what he intended by traversing the Country, as he had done, without permission; and what was the meaning of these discourses about Mines. That Mitchel answered, He had been employed by Divers of his Countreymen, who were in Treaty with the Crown & Propr. for Lands here for a Convenient Tract to Settle a Colony of their People on, to come over and search for such a place as might best suit them, and upon this head was large in giving an acct. of the Design; that the Govr. asked him how he durst presume to range this Country, on any such design, without applying first to him; to which he answered that he would have done it, but that he lost his Credentials, & expected others over. The Govr. add'd. that he found he had some Notion of Mines, and had his thoughts much bent that way; that he was willing to lett him proceed, & had not discouraged him; that he had advised him to take some Indians with him; that of the persons before mention'd, the Govr. had Ordered two that he could confide in to be there, that he might have a full account of their proceedings; but that he knew nothing that so many had gone out, nor could think it was fitt to be suffered.

With which the Board was unanimous concuring, It is Ordered, that all the aforemention'd persons & all others Settle at or near to the above mentioned place, on the forks of Patowmeck, whose

Residence has of late been in this Govmt. and have not a special Order from the Govr. for their going thither, shall forthwith repair to Philadia., or to their Usual respective places of abode, as they will answer the Contrary at their Peril.

A Petition from Wm. Righton & Robt. Grace, directed to the Govr. alone, being presented to him, the Govr. thought fitt to lay it before the Council, and desire their advice therein. The matter of which Petition was, That Toney, a Negroe Slave of the said Righton, and Quashy, a like Slave of the said Grace's, were lately at a Special Court held for that purpose in this Town, condemned to Death for Burglary proved agst. them; But for asmuch as it will be of very great Damage to the Petitrs. should their sd. slaves lives be taken, since there is no provision in this Govmt. as is Usual in other places, for a Competent restitution to the Owners who lose their Slaves by the hand of Public Justices.

Therefore, the humbly pray, that in Mercy to the said Owners the lives of their slaves may be spared, & that they may be suffered to transport them, & instead of Death, that they may have the Liberty to inflict on ym. such Corporal Punishmt. as may be requisite, for a Terror to others of their Colour, wch the said Owners will take care to have duly executed upon ym. All wch being taken into Consideration, the Board thought fitt to give it as their Opinion, that the Death of these Slaves would be a greater Loss to the Owners than they could well bear, and therefore seeing there is no Provision made for restitution for the Loss by the Publick, it may be as convenient to make the Slaves Examples of Terror to others of their Complexion, by a most Severe Corporal Punishmt., and that the Petitioners may have Liberty to transport them as requested.

And it is hereupon Resolved, that the Owners may have Liberty to punish their Slaves, notwithstanding the Sentence of Death pass'd upon them, wch in case they will perform in the following Manner; the said Sentence shall be taken off, and their Owners shall transport them to their own benefit and advantage.

That the Punishment shall be as follows: They shall be led from the Market place, up y^e Second Street, & down thro' the front street to y^e Bridge, with their arms extended & tied to a pole across their Necks, a Cart going before them, and that they shall be severely Whipt all the way as they pass, upon the bare back and shoulders; this punishmt. shall be repeated for 3 market days successively; in the meantime they shall lie in Irons, in the prison, at the Owners Charge, until they have such an Opportunity as shall best please them for transportation; All which being duly perform'd, the Sentence of Death shall be intirely remitted.

The Secry. moving, that he may have the advantage of the Law agst. the present high Sherif of Philadia., for the Neglect of his Duty in Collecting the Proprs. Tax; 'Tis Ordered, (because the time is now quite spent,) that the Council meet on the 7th day next, y^e 28th Instant, in the morning to Consider it, to which time the board adjourns.

At a Council held at Philadia., the 2d of April, 1708.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Joseph Growdon,
Thomas Story,
Willm. Trent, Esq'rs.

Richard Hill,
George Roche,
Joseph Pidgeon,
James Logan. Esq'rs.

The Govr. laid before the Board, a Petition from the Mayor & Commonality of the City Philadia., shewing that the Justices & Grand Jury of yᵉ County of Philadia., at their last Sessions of the Peace, with four of the assessors, had laid a Tax of one Penny per pound on the Inhabitants of both City and County, for the building of two County Bridges and a Court house; and tho' though they had not Consulted the City Magistrates, had issued their Warrts. to the Constables, commanding them to return the names of the Inhabitants of the Respective Wards, which the Petitrs. represent as an Infraction of their Privileges, and pray that the Matter may be deferr'd untill an Act of Assembly be procured, to Enable the City and County to proceed more regularly.

Upon which the minutes of the said Court were sent for and read; the Law also Intituled an Act for raising County Levies, by virtue of which the said Assessmt. is laid was read, and some time being spent in Considering and Debating the whole matter; It is Ordered that the Mayor have notice to attend this Board, on second day next, the 5th Instant, in the forenoon, to make appear the Infraction made by the said Assessmt. upon the Privileges of yᵉ City.

A Petition from James Heaton was read, representing that he had been sued in an Action of Trover and Conversion, in the County of Bucks, by J. Growdon, yᵗ he had procured a writt of Error, by which the cause is to be brought before the Provincial Judges in the said County, the 14th of this Instant; that in the meantime the said Jos. Growdon arrested him in Philadia. on the same account in an Action to which he must answer at the County Court in Philadia., on the 15th Instant, wch. two several Courts coming so near together layes the Petitr. under great harpships; he also represents that his antagonist himself is Judge of the Provincial Court, and further that he has retained all the Lawyers in the County (that have leave to plead,) against him; Whereupon he prays that the Govr. would be pleased to appoint an Impartial Judge to hear his cause, and would either assign him Counsel, or so ascertain the Provincial Court, that if he be at the Charge of procuring some from New York, he may not be disappointed.

Upon wch. Jos. Growdon himself being present, answer'd that his action in Bucks, and that in this County, are different; that he never retained more than one Counsell, viz: John Moore, in this cause, but that he not being able to attend, procured another to act for him; by which means without any design of his, two became Concerned in it, that it being impracticable that a man should Judge in his own cause : that part of the Petition was altogether needless.

And the Petition being Particularly Considered, it appear that the Petitr. is not obliged himself to attend at Philadia. at the Court, on the 15th Instant, that being only designed for Entries, and not for tryal of Causes, and 'Tis Resolved that the Petitr. himself be left to procure his own Counsel, and that Jasper Yeats Esqr., the second Judge of the Province, be desired without fail to attend the Provincial Court, at Bucks, to prevent any Disappointmt. and then adjourned to 2d day, (Monday) morning next, the 5th Instant, at 9 in the morning.

At a Council held at Philadia., y^e 5th of April, 1708.

PRESENT :

Y^e Honble JOHN EVANS, Esqr., Lieut. Govr.

Edwd. Shippen,
Jos. Growdon,
Thos. Story,
Griffith Owen, } Esq'rs.

Willm. Trent,
Joseph Pidgeon,
James Logan. } Esq'rs.

The Mayor of the City Philadia., according to the Order at last Sitting, attended with the Recorder, who being informed by the Govr., of the reason why the Mayor was ordered to attend the Recorder in behalf of the Corporation, argued in defence of their Petition ; That notwithstanding the Act of Assembly for raising County Levies, by Virtue of which the County Justices had proceeded to tax the City ; Yet seeing the Propr. had by his Charter, wch is a perpetual Commission appointed other Justices for the bounds of the City, whose business alone it is to act as Magistrates within the same; those Justices who by y^e Govrs. Commission act for the County ought properly to have no power within the City as Magistrates on any acct., but seeing there are no restrictive words in the Charter that positively exclude the County Justices from intermeddling in causes that arise within the City, which is a defect they are sensible of and hope shortly to have mended, they had agreed upon the former clashing of the Jurisdictions for a better accommodation of their Differences, that Each Court should leave the other to act by themselves ; that the County Justices would not interfere with what directly concerned the Corporation ; altho' their Commission reached the City as well as the County, nor would the City Magistrates, notwithstanding their Charter made them Justices also in the County concern themselves in their Courts; but that if either had any affair in hand wch concerned the other, they would give Notice that they might attend upon such affairs, only y^t nothing might be done by Surprize to the others Disadvantage; But that this business now on foot had really been carried so, without any previovs notice given, wch is unfriendly, & a Breach of the Compact made between them; Whereas, if according to agreement Notice had been given, all further trouble upon it might have been prevented.

That legally, the Justices of the County could by no means tax the town without the concurrence of their Magistrates and Grand Jury, and further, that the Town ought not to pay for the Building of Bridges in the County, seeing the County pays nothing to their building of free Wharfs, Bridges, &c. of which the Countrey now makes as much use as the City, and besides this, the Corporation not only maintains all their own poor without any charge to the County, but almost all the poor of the Province; most of them when distressed in the Countrey, repairing to the Town for relief; But further, it appears by the Order of court, that notwithstanding a Court house is named, yet y^t is not the principal Design, but the building of two Bridges on the Northern Road, by money raised on the City, which must pay eight tenths of the whole; So that when money enough is raised for building of those which by the Ordr. must be first done, there will be little or none left for the Court house, wch. alone will require much more than all this mentioned Tax will raise.

Two of the County Justices, viz: J. Growdon, & Jos. Pidgeon being present in Council, answered that for their parts they knew nothing of any such Compact or Agreemt. as the Mayor and Recorder had mentioned, and that it must have been before they were in Commission if ever; That it was plain there was an absolute necessity for doing what they had done, for people now sometimes past in Danger of their Lives over those two mentioned Bridges, tho' upon one of the greatest & most principal Roads in the Province, that it is not only scandalous to both town and County, but even to the whole Govmt., that while every other County has their County house, Here, in the Capital town of the Govmt., the Magistrates are obliged to hold Courts in an ale house; That there is no other method in being to raise money but by that Act of Assembly, which was first made before the Proprs. Grant of the City Charter, & is, long since that Grant, again Confirmed and Enlarged, that if the Language of the Act is to be understood, it gives ym. full power, and warrants what they have done, for they had proceeded in an exact observance of all that is directed by it, but that if the City Magistrates are of Opinion that seeing they have a right as often as they see Cause, to sitt in the County Court, they should have been consulted before the Court had proceeded in this matter, they can only answer, that the Bench was as free for them as any others, they did not hinder them, they had done nothing in private, they had deliberated long upon it, & several of the Town were upon the Grand Jury who had it a considerable time before them, and might have acquainted the City Magistrates, if they had thought fitt, that what they had done was not through an Inclination to be active in things of this nature, but to discharge their Duty, wch. obliged them to it, that they doubted not of their power being very well satisfied in it, that they conceived it as much the business of the Town as of the County, to build that Bridge at the Towns' end, and that the other at francford, is a very Considerable thing; That they doubt not but the money Ord'd to be assessed if duly levied, will fully answer all the purposes proposed, &c.

Those of the Corporation replied that it would be convenient to have a better Court house for this Town & County, than the whole money would raise, and that if the Countrey would build their own bridges, as 'tis their Duty, the Town would of themselves be willing to build a Court house, provided they could be legally Impower'd to raise Money for it.

This proposal was embraced, and 'tis thereupon Concluded that both the Magistrates of City and County should meet, & if they can come to an Agreemt. to lay Such a Rate on the whole County, (including the City,) by virtue of the Act of Assembly, for raising County Levies, which fully impowers them, as may be sufficient, as well to build a Suitable Court house within the Town, at the Charge only of its Inhabitants, as all necessary Bridges in the County, Especially those two already mention'd, at the charge of the Inhabitants of the County only without the City, laying an equal Assessmt. upon both, but appropriating all the money raised as aforesaid, then the County Magistrates shall delay the Levying of the late Assessmt. untill next Court, that this proposal may be put in practice; But 'tis always to be provided that the Court house so to be built, as aforesaid, shall be as free for all the Services of the County Magistrates, their Courts, &c., as for those of the City.

And for the better promoting so useful a Design, 'tis Ord'd. that Saml. Carpenter & Wm. Trent, Members of this Board be present at the Conference of the said Magistrates, to be assistant therein in behalf of the Govmt.

To John Evans, Esqr., Ltt. Govr. of y^e Province of Pennsylvania. &c.

The humble Petition of y^e Mayor & Commonalty of the City of Philadia. was read the 8th day of April, 1708.

Sheweth:

That Whereas, we understand that the Justices of y^e Peace & Grand Jury at their last Sessions of y^e Peace, held for the County of Philadia., with y^e assistance of four of the Assessors, consented that a Tax of one penny per pound should be raised and assessed on the Inhabitants of y^e said City & County, for the building of two County Bridges & a Court House; and tho' they Consulted not with the City Magistrates therein, Yet presum'd to issue forth their Warrants to the Constables of the several Wards of this City, Commanding them to return the Names of the Inhabitants of their Respective Wards to y^e Assessors, in order to be assessed for the uses aforesaid; Now for as much as y^e Inhabitants of this City have born the burthen of making and maintaining all bridges, Wharfs & Streets within y^e town & are, & have been, ready to be at the Charge of a Court House, if they were impowered by Law to raise Money for that purpose. Therefore, We think it unreasonable that they should be obliged to build bridges for yᵉ Countrey, since the Countreymen are endeavouring to take away the Trade of the Town, & throw what Charge they can upon us.

May it please the Governour:

We have several objections against these Warrants & yᵉ Method granting them, and the uncertainty of yᵉ place where yᵉ Court House therein mentioned is intended to be set up, besides yᵉ Mistake of the County Justices in granting them, as well as their pretending to make such an assessment upon yᵉ City, without yᵉ consent of yᵉ City Magistrates; Wch being so generally disliked by the Inhabitants, that we understand they are resolved, & so are we to take such Advantage as the Law will afford agst. ym., that shall Exercise those warrants and further process of the County Justices thereon.

Now that the Inconveniences of Such a Dispute may be prevented, & the Common good may be promoted, without infringing the Rights & Privileges of this City, and that yᵉ performance of so good a Work may not want a Due Authority, we humbly propose that yᵉ Govr. may encourage a Bill to be proposed for the Concurrence of the Assembly, (who we understand are to sitt about six weeks hence,) whereby Special Provision may be made for a Court house here as had been in other County's, and that in the meantime the said assessment, so far as it Relates to the Inhabitants of this City may be stay'd.

his mark.
Thos. B Bradford,
Henry Badcoke,
Nehemiah Allen,
Samuel Holt,
Francis Cooke,

his mark.
John I R Readman,
John Budd,
Thos. Griffitz,
Jno. Webb,
Joseph Yard,
Joshua Carpenter,
Thos. Paschall,

Nathan Stanbury,
Thos. Masters,
David Lloyd,
Griffith Jones,
Willm. Carter,
Edward Shippen,
Anthony Morris,
Joseph Wilcox,
John Jones.

PHILADELPHIA, July yᵉ 3d, 1708.

To the Lord Cornbury,

May it please Your Excellency:

Some of us having very lately upon the Disasters that have befallen our Shipping by a Crusing Enemy on our Coasts, adventured to address your Excellency for the Assistance of one of Her Majesty's Ships under your Direction, to Convoy out to Sea Divers of our Vessels now ready to sail. Our Continued Misfortunes lay us under a Duty, not only upon our own accounts, but that of the rest of Her Majesty's Trading Subjects in your Lordship's & the other adjacent Govmts., to inform your Excellency, that last Night arrived here from Egg harbour, by land, three Masters of Vessels, who have been lately taken on the same Coasts by another Privateer, named Castrau. The first is one Phillips of Boston, taken in His way homeward from N. Carolina. The second is Moody of this River, who sailed from hence for Madeira about a month ago, & the third who carries by much the severest Loss to this place is Captain Young, in a ship from Lond., the only Vessel bound hither in the Virginia fleet, he was taken on Sunday last in sight of Land, and with the other two Masters, & about 14 more was sent on Shoar on Tuesday in his own boat. But the Gentleman who Comes bearer of this being one of his Passengers, & of himself very desirous to undertake the Service, we thought it Convenient to encourage him in it, so that he may more particularly inform your Excellency of what may be known of the Enemy.

To whose Informations we beg leave to add, that Moody, who was 14 Days on board the Privateer, tells us that his Constant Cruise was between Egg Harbour & Sinnepuxent, about 7 or 8 Leagues to the Southwd. of Cape Henlopen, that sometimes he lay directly between the Capes, but generally kept off at some Distance from the Shoar, often steering towards yᵉ South East, while Crapaut, who Did the former mischief, generally lay Close under it. He adds, that this same Privateer, as he understood on board, was off Sandy hook when Jones's ship, from Barbadoes, was taken; but that another from Saint Domingo, one of their Consorts having yᵉ start of him, prevented his gaining that Prize. That besides yᵉ last mentioned from St. Domingo, there are 5 Privateers from Martinico on these Coasts, all which tho' uncertain in it self, because depending on the Information of their People, only we thought fitt, notwithstanding to hint, as related to us, that your Excy. and the Captns. of Her Majesty's ships may have all the intelligence of their Motions & stations that Can be obtained. We humbly beg your Excellency to Excuse the freedom, that in our Lt. Govrs. Coll. Evans absence we have taken, we thought our Selves obliged to take. Believing ourselves obliged to omitt no oppty., as well of Contributing what lies in our Power to the Publick Service, as of Demonstrating our selves.

May it please your Excellency, Yours,

Samll. ffinney,
Willm. Trent,
George Roche,
Joseph Pidgeon.

At a Council held at Philadelphia.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen,
Samuel Carpenter,
Joseph Growdon,
James Logan, Esq'rs.

Richard Hill,
Wm. Trent,
Geo. Roche,
Joseph Pidgeon. Esq'rs.

To the Honble John Evans, Esqr., Lt. Govr. of yᵉ Province of Pennsylvia., &c., & to yᵉ Council thereof now sitting.

The Petition of Thos. Story, Keeper of the Great Seal and Master of the Rolls, and James Logan, Secretary of the said Province & Clerk of the said Council.

Humbly Sheweth :

That the House of Representatives, chosen for the said Provinces on the first day of October, in the year 1705, upon presenting to them our Accts. of Service done for the said Province, in our respective Offices, were pleased upon a Due Consideration of them to allow to the sd. Keeper and Master of the Rolls, the sum of forty pounds, & to the said Secretary & Clerk of yᵉ Council the sum of one hundred, forty & four pounds, Six shillings for our said Respective Services; whereupon the Speaker of the said Assembly, by Order of yᵉ House, & pursuant to an Act passed by the Govr. of sd. House of Representatives, Intituled an Act for raising a supply of two pence half penny per pound, & ten Shill. per head; also for granting an Impost, & laying and Excise on Sundry Liquors, & Negroes imported into this Province, for the Support of Govmt. and Defraying the Necessary Publick Charges in the Administration thereof, did issue his orders to the Treasurer of the Province, requiring him to pay to your Petitrs. Respectively the aforesaid sums out of the Money's to be raised by the afores'd. Act. Upon which Grant Your Petitrs. Did not at all Doubt, but the said Orders would have been honourably & duly answered, and that they should thereby receive the Recompence for their Labours that the said Assembly thought respectively due to them. But so it is, may it please the Govr. and Council, that upon application to yᵉ Treasurer for payment of yᵉ said Sums, we were given to understand that the Assembly next ensuing aforementioned had undertaken to direct him not to answer the said Orders of the Speaker, nor to pay us any part of the sums allowed and Due to us as aforesaid, untill such time as all other Debts ordered by the first mentioned Assembly to be paid, should be first fully satisfied & answered: Notwithstanding those Debts due to your Petitrs. were not postponed by that Assembly to any other Watsoever, (one paymt. to be made to the Govr. by an allowance of £50 per annum for the Charge of Indian Treaties only excepted,) & nowithstanding the aforesaid act seems not to leave the Succeeding Assemblies any power to issue new orders upon what was fully Determined before, and ratified and Confirmed by a Law; Yet by means of the said Order, tho' issued as is Conceived without any sufficient Authority for the Purpose; Your Petitioners are at present Debarr'd from receiving any part of the said Debts, to their very great Grievance & oppressions.

May it therefore please this Honble. Board, in whom the Administration of the Govmt. & the Care that all Laws and Acts, wch have once obtained their full force & Power should be duly put in Execution, is most undoubtedly lodged, to give such effectual orders to the Treasurer, that your Petitrs. may have the full benefits of the aforesaid Grants, and receive the sums respectively Due to them, at least in equal and proportionable paymts. with other Debts, as in Justice ought to be Done; And more especially since great part of these Debts are for your Petitrs. services in and about Matters of Legislation, which kind of Services, as far as they have related more immediately to the House of Representatives, have always been Carefully ordered by that House to be paid before all others, for which reason your Petitrs. beg leave to hope that their Services of the same nature, tho' out of Assembly, yet as of high Importance to the Publick, may be thought to stand at least in an equal Degree of Dignity, and be Considered accordingly.

And your Petitrs., as in Duty bound, shall, &c.,

THOS. STORY,
JAMES LOGAN.

At a Council held at Philadia., the 20th July, 1708.

PRESENT:

Ye Honble. JOHN EVANS, Esqr., Leiut. Govr.

Edwd. Shippen,
Samuel Carpenter,
Joseph Growdon,
James Logan,
Esq'rs.
Richd. Hill,
Wm. Trent,
Geo. Roche,
Joseph Pidgeon.

The Govr. acquainted the Board that the Losses The Traders of this Province had sustained this Summer, by the Depredations of the french with their Privateers on our Coasts, in taking and Destroying so many of our Vessels, was now become so provoking, that tho' there was but too much reason to doubt it would be difficult to perswade our present Assembly to enter into any measures for our defence: Yet He could not but believe it was incumbent on him in discharge of his Trust & in duty to her Majesty, to call the Assembly together on this important occasion, and in ye Most pressing terms to put them in mind of theirs to their Country; That he was sensible he ought to have called them before, & he would have done it, if he could expect any good effects from it, but as there was but little room, he feared for any such hopes they might now probably meet in a better temper when their Harvest is over than they woud have done, if called in the midst of it. The Govr. there fore desired the Council to Consider what day might be the most proper to appoint for their meeting, and it was Resolved that they be summoned to meet on the 2d day of Augst. next.

At a Council held at Philadia., the 3d of Augst., 1708.

PRESENT:

The Honble. JOHN EVANS, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Joseph Growdon, James Logan,	Esq'rs.	Richard Hill, Wiilliam Trent, George Roche, Joseph Pidgeon.	Esq'rs.

The Govrnr. acquainted the Board he had reced, a Message from the Assembly, informing him they were mett and ready to receive what he had to lay before them; That he had told them he would send for them, when the Council was mett; That the Board was sensible of the occasion of the Assembly's being summoned at this time, and what he had to say was committed to writing in a paper, wch he Caused to be read, and Notice being sent to the Assembly to attend, and they coming accordingly, he spoke to them in these words.

GENTLEMEN:

The occasion of yor. being so unexpectedly call'd together, is to lay before you the heavy pressures and Grievances we at present lie under, the greatest that ever, I suppose, this Province as yet has felt, in having our River & Capes so beset with the Enemy, that our Navigation has been rendred almost intirely impracticable; and the Loss that your Trade, the only support of this place, has very lately sustained by the Unhappy adventures and Traders being ravaged & Plunder'd at his own Door after the many Risques abroad, and the real danger we daily lie exposed to of suffering more from such an encroaching & unresisted Violence, must sufficiently shew the necessity of taking measures to drive so Destructive an Enemy from that station, which they seem to have taken up, through an Opinion, that they could no where Committ their Spoils with so much safety. Whatever is to be done on my part in Order to this I am ready and willing to perform, but as nothing of this kind can (in my apprehension) be carried on Effectually without some supplies of Money, and you, Gentlemen, at present making up that part of the Govmt., wch is Necessary to concur in your raising those supplies, I hope wth reason expect from our so unhappy a Condition, that you will, without any loss of time, fall upon such measures as may enable us to put a stop to so insupportable and Growing an Evil.

The Sole End and Design of Govmt. is to maintain Justice, that is to preserve to every man his Right against all Invaders. We have Laws agst. Thieves & Robbers, and we have officers to putt those Laws in Execution, if they resist they are taken by force and by force, when occasion, are obliged to Submit to the last extreamity; and without this there would be no such thing as Government. If then we find it our Duty in Governmt. to suppress a private or particular force by all the means necessary to it, how much more incumbent is it on us, as a Governmt. to suppress that force, which is destructive to the whole. And now, Gentlemen, for ought I know may be the very time, by a prudent discharge of your Duty to prevent the utter Ruin of this place, for unlese a Check be given to their boldness to Convince them we are not to be plunder'd with such ease and safety as they seem to believe; We have very great reason to fear that they may, & will visit us in our houses, as they have done to some better defended Colonies. Such is, Gentlemen, without any aggration, the present unhappy condition of her Majesty's Subjects in this Govmt., which loudly calls for y^e help of you, their Representatives, and wch I think is in your Power to give, without offering violence to any Principles except such as are agst. answering the end of Govmt. mentioned before.

I deferr'd calling you to gether during your necessary affairs of harvest, y^t you might with more alacrity enter upon the business proposed to you, & now I hope you will unanimously endeavour for the Service of the Country in so great an Exigence.

To John Evans, Esqr., by the Queen's Royal Approbation, Lt. Govr. of the Province of Pennsylvania, &c.

The Address of the Representatives of the freemen of y^e said Province, presented to the said Lt. Govr., y^e 5th day of y^e Month called Augst., 1708, in answer to his speech made to the Assembly, y^e 3d day of the same month.

May it please the Governour:

The Acct. we have of the Losses wch. the Trade of this Province has sustained, & the Interruption of our passage in the Bay and River, is matter of great concern and trouble to us, tho' it be a calamity that befalls y^e neighbouring Colonies as well the as the Inhabitants here; But that an Enemy should be suffer'd long to make our Capes his station, and no care taken, as we understand, to give notice thereof to the vice Adm'l until those great spoils were committ'd, hath been such a neglect as administers great cause of dissatisfaction & Complaint, for we understand the Queen, out of her Royal care to her subjects, & safe guard of the sea, has given the High Adml. and his Deputies, ample authority to scour the Coasts of such Robbers, and secure the Navigation of this as well as the rest of her Colonies. and protect the Merchants in their Lawful Trade; We know that y^e People of this Province have not been wanting on their parts, & according to their Abilities & Circumstances, to raise supplies from time to time, & granted to the Propr. £800 out of the last land tax, together wth. half the impost & excise, and Ordered the same to be paid to the Lt. Govr. for support of this Governmt. and the Administration thereof, and we find that the Govr. has rece'd the said £800, and that his part of the Impost, &c. already collected & secured, amount to about £550 more, which with the fines, forfeitures, licenses, & other profits ariseing in casual and accidental ways, that have been taken by y^e Govr. or Secry., in behalf of the Proprietor ought, to as we understand, be applied tow'ds answering the ends of Govmt., wch. the Queen, we presume, expects from all that will undertake the Administration thereof, in all her Dominions.

We know that when this province was granted to the Propr. he had power at his pleasure to alien and Convey any part or parts thereof, & to erect Mannors, and to reserve such rents, Customs, and services as he should think fitt; in pursuance whereof, he sold Lands to a great value, and Reserved Rents sufficient in a moderate way, to maintain him, or his Lt. answerable to their station; Nevertheless when his Exigencies have been such as required a further supply, as in the Year 1700, the Assembly assisted him by an Impost for three Years, which amounted, as we are Informed, to a very Considerable sum of money, and a Tax of two thousand pounds besides; wch. Tax and Impost, the then Assembly appropriated to his own Particular use, but the said £800, & half the Impost so granted as aforesaid, are appropriated for the support of Govmt., and the administration thereof. Therefore we expect that the same has been, or will be so Imployed, & that the Govr. & Council will forthwith, according to the power given them by the Act, oblige the Collectr. of the Tax, to gather the arrears wth. all Expedition, and if what is so appropriated for suport of the administration of this Govmt. will not be sufficient to answer the present occasions, we shall, wth. all alacrity, proceed to raise a new supply for the Publick services of the Province.

ffor as we partake of the Queen's gracious protection to all her subjects, So we hold our selves obliged in Duty to give supplies for supporting this Govmt. according to the Powers granted by the Royal Charter; And altho' we do not pretend to Direct the way and manner the Govr. did or should dispose of those supplies; Yet, we Conceive it our business to enquire, & we do accordingly Desire to know whether they are applied for support of Govmt., & we also request an acct. of such late Indian Treaties and Messages with the Charges thereof, as have not yet been laid before the Assembly.

Signed by ordr. of yᵉ House, N. C. D.

D'd. LLOYD, Speaker.

At a Council held at Philadia., yᵉ 7th day of Augst., 1708.

PRESENT:

The Honble JOHN EVANS, Esqr., Lieut. Govr.

Saml. Carpenter, Saml. ffinney, Joseph Growdon, James Logan,	Esq'rs.	Richard Hill, Willm. Trent, George Roche, Joseph Pidgeon.	Esq'rs.

The Govr. acquainting the Board, that having reced. the foregoing Advice from the Assembly, on Saturday last, when a Council could not be conveniently call'd, & observing some particulars in it relating to himself and his support, which absolutely required to be spoke to; that time might be saved, he had an answer drawn up to it which was read, and being considered, was with some alterations approved of in these words, & ordered to be forthwith Copied & carried to the House.

GENTLEMEN:

The Distresses that her Majesty's Subjects in this province lie under, and the Plainness I have used in representing them, would now I thought, if ever, have obliged you to treat so important a Concern, with the Candour that becomes men of reason upon so pinching a Necessity; I could not but think it reasonable to expect, that you would, if possible, have come to some speedy resolutions to put a stop to the growing mischief and impending Dangers with which we are daily threatned; or if you should find this (as I conceive it is not) impracticable; That then you would propose such other Methods as you should judge for all our safties, to be most advisable. To have this effected, is so highly incumbent on me in my station, that I must once more urge and press the matter very earnestly; And tho' I am resolved to avoid spending of time, as has too often been done in fruitless Messages & Returns to them; Yet lest you should think that what I have reced. from you, ought to be taken as an answer to what I laid before you; I shall with the same Plainess take notice of each Particular of it, that upon a maturer Consideration, you may think yourselves Obliged to fall upon Measures more becoming your stations, and the weight of the Matters now before us: I am sensible, Gentlemen, that the Calamity I have mentioned affects not this Colony alone, all her Majesty's Dominions are by the same means, (as it always happens in so pressing a War,) in some Measures suffers wth us; But what Distinguishes us at this time is, that there is not one Colony in Amarica that has so Considerable a Trade by their own Shipping, and a Town so inviting to an Enemy as this; But what has some kind of Provision made that may discourage an Attack or Invasion, While our Nakedness seems to be as well known to the Enemy as our name, or at least as our scituation, & encourages them to treat us accordingly. It would be happy for us, 'tis true, if we could reap such a benefit from the authority, (as you say) that her Majesty in her Royal care of her subjects, & the safe guard of the Sea, has given the Ld. High Adml. and his Deputies, as to have our Coasts protected by that means without any Concurrence of our own, but it is in vain, I doubt, at present to Expect it. His Excellency Coll. Seymour, Govr. of Maryland, is now Vice Adml. of this Province, and has his Deputy in this place, but neither of them have any force, that I can hear of at their Command, wch they could, if willing, employ on this Service; To depend on such Relief would be to amuse ourselves in vain, of wch I cannot persuade my self that you your selves could be unsensible, even at the time you thought fitt to make y^t a part of yor. answer; But if it be intended that I should have applied to his Excellency, the Govr. of New York, upon the first Notice of Losses for assistance from thence, I must inform you that besides, that I had no right to crave it, further than what his Goodness might have Condescended to, together with the first acct. I reced. of our Losses; I was also informed, that both her Majesty's Ships attending the Govmt. were then at Sea, & that one of them had spoke with the Privateer no longer then a Day or two before he did the Mischief, but Was prevented by the weather from engaging, so that an express at that time could not, as it then appeared, have been of any Service; And further, I had so great hopes given me of putting something in Execution so effectually ourselves, that such an application at that time, would have been needless; But this fell to the ground, for no other cause than the want of a friend to bear out the charge, all other necessary offering at that time, with more ease, & in greater plenty than has been known in the place before; ffor my own part, I was heartily zealous to do all that became my station, & if any step was omitted that we afterwards found might have proved of use to us, that being now past, it may be lamented, but cannot be remedied. But what measures were or were not then taken, is not the point now before us; These past Losses are not our only grievances, we lie daily exposed to suffer more, and without other measures, as I have already told you, are in Danger of utter Ruine & Desolation. To find proper means for preventing this, is the important business that most seriously concerns us all, Every thing that in this world can be dear to us, in a great measure depends on it; Nor is it to our selves alone that we owe this Duty, Her Majesty will expect it from us, lest by our failure, so Considerable a Colony should be cutt off from Her Dominions; And this I have already told you, cannot, as I conceive, be effected without some supplies of money, in which your immediate concurrence is absolutely necessary, but instead of granting them, tho' the occasion there is for them, can admitt of no dispute; I am most surprizingly turn'd over to an acct. of what the Propr. has from the beginning reced. by means of this Province, without remembering any part of his expence, upon the whole of which notwithstanding when taken altogether, he is at this Instant, as I have great reason to believe, very much a Loser, & has deeply sunk his other Estate by it, wch. was clear Before, But I say, forgetting all his expences, whatever has been paid is reckoned up, as it were so much intirely gain'd, & being so, were to be accounted no part of his own Estate, but must be laid up in store for the uses of the People, and their future Exigences here. To mention this as the matter really is when divested of the Glosses put upon it to serve another end, is sufficient to expose its extravagancy, but that no shadow of pretence for declining so necessary a Duty as is now under Consideration, may be left unremoved, & to prevent the like on all future occasions, I shall here take notice of all you have insisted on, and clearly shew you that not one particular you have mentioned, is to the purpose now in hand; To begin then with what came first in Order, 'Tis very reasonable to believe that the Propr. having sold Lands to a great value, reced. Considerable sums for them, & we find he has reserved a Quitt rent on 'em all; but then upon inquiry, I perceive that in Consideration of that Money, & those Quitt rents, the Propr., by firm but Common Deeds of sale, granted the Purchasers a free Estate of Large Tracts of Land, which they, or some in their behalves now enjoy; & am told that there is not in any of those Deeds one warranty to defend the Possessors agst. hostile or invasive force, or one Covenant that mentions Govmt., or the support of it, in any of 'em all, but y^t forty shillings down, & one shilling yearly, was the Consideration paid on the one hand, for a hundred acres of Land granted on the other. I am sensible Gent., I have been told of these Quitt rents once before, to the great surprize of those that heard it, & know much more of the mattr. than I could at that time; but upon a full scrutiny into the whole by some whom it concerned, I perceiv'd there could not be one trace found of any such compact, but in the pretended memory of two or three persons, who were noted to have stronger prejudices than reason; & who in these points were not too much to be relied on; & was informed, that for the many years before that this Govmt. wanted supplies, this notion had never once been heard of, but was Just then started, and perceived it then to be greedily laid hold of, partly by some whose narrowness made every pretence to save money very acceptable, & partly by others, to whom any kind of handle to obstruct business was no Less agreeable, but was intirely exploded by such as were much better Judges, from clearer reason and better opportunities of knowing. So that upon the whole, Gent., I find the Propr., and those concerned for him account that these Quitt rents and the Govmt. here. are no more related, than his Estate in Europe is to that of Great Brittain, & therefore 'tis impossible for me to Come at one farthing of them, to answer any of these ends now proposed, wch. I desire may be a perpetual answer from me upon this head. The next in course being two thousand pounds granted in 1700, (of which about £1600 was to be paid by this Province,) is as far out of my reach, nor can I find by the Act for Raising it, that ever it could be strained to answer any of our present occasions, were it in bank at this time, for it is alledged y^e Propr. paid very dearly for it another way. The Impost,. (whether great or small, I know not.) was then a yearly support, so long as it lasted, tho' not for three years as you affirm; While it was paid it doubtless had its service; but it has been expired these many years with all its profits, & therefore now yields not one penny. The next, & what comes nearer, is £800 Granted myself, which I have reced., & £550 more, as you say, by the Impost; the first is true, Gent., I acknowledged it, I have now been in this Govmt. above 4 years & a half, & have reced. by that tax, by Your Computation, £1350, which yet is not so, to wch. you may add if you please, one hundred a Year more by perquisites, wch. also is much more than they have amounted to; & thus you will make up the even sum of £1800, or £400 a Year since my arrival. This at the present currt. excha. in £250 Sterling, not paid in England, where it would be of a much greater value, but in Pennsylvania, where all European goods are sold at near a Double advance, even in Sterling; I am not unwilling, Gent., it should be believed, (tho' not true,) that I have recd. so much yearly, for my support in the administration of this Govmt., & yet have not one farthing to spare out of it for the defence of the place, or other exigences more than any private man may on the same score, wch. assures you is the case; Nor have I ever before heard it suggested that any part of these sums were design'd for any other purpose than my own support, to wch. alone they have been converted, but much less that they were to defray the charges of such particular Exigences, for wch. in all Her Majesty's other Dominions, particular funds have Constantly been allowed, and their purposes as particularly declared, ffor what remains of that whole fund You very well know, Gent., how it was appropriated, and what Debts were to be discharged by it, wch. 'tis now found will with the other great Draught that have been made on the treasurer, take up the whole where it all Collected, but when this will be, is but too uncertain, the remissness of the Collectors being greater than all the methods the Councill can use, have been hitherto able to remedy.

Thus, Gentlemen, I have more largely than I at first Intended, made it Clear to you that of all the sums You have mentioned, there is not one penny to be had to answer the pressing occasions laid before you. 'Tis therefore Immediately incumbent on you to Resolve without delay, & lett me in clear terms know what is to be expected. I am not now asking any thing for my self, 'tis for your own immediate Service, it is you, it is all Her Majesty's Subjects in the Province, whose Interest and Estates lie at stake, and therefore call on those in whom the power of Govmt. is lodged, for a speedy & timely Provision. My willingness, who am Concerned in the Administration, I have sufficiently express'd, it now lies only upon you to advise & Concur in what is necessary to be done, for without your assistance you well know 'tis impossible for me to effect any thing; I shall not Direct you any further, only you may assure yourselves, that as this whole business is the most serious that can in this world be proposed to men, so it will be pursued accordingly; ffor give me leave to say, that tho' you are the present Representatives, there are great numbers of others, who finding their all engaged, will conceive themselves at least as Deeply interested, and therefore will assuredly apply to other hands for what they fail of obtaining from yours. I desire you to lay this, with the rest, seriously to heart, & to Consider that it is realities and not words that are wanted, & give me your Result in express terms, as speedily as possible, for after I have thus explain'd myself, there shall be no more time spent in messages on this head, nor shall I be willing to receive any but what is directly & immediately to the purpose.

Ordered, that Wm. Trent & George Roche, two members of this Board, carry the said message to the House in the morning.

Ordered, that Robt. Asheton, Clerk of the County of Philadelphia, produce to this Board, without Delay, all the Several Copies of the Laws, which have been in his Custody since his Entrance into the said office, & that if he have 'em not, wheresoever he may suspect they are detained. And then adjourned.

To which the Govr. some Days after receiv'd the following:

The Assemblies answer to the Govrs. message, sent to this House the Seventh Day of y^e^ Month called Augst., 1708.

Presented to y^e^ Govr. the thirteenth Day of the same Month.

May it Please the Govr:

As we Esteemed what thou Signified to be the Cause of Calling us at this time to be a matter of great Importance, so we preferred the Consideration thereof before the many other Grievances, Pressures and Distresses that Lye heavy upon this Province, while such as are Deemed in Great Measure the occasion of them Escape unpunished; And the Torrant of Debauchery seems to Overflow this place wth security, and the hands of those that would stop it are weakened under the present Administration.

We forbear at this time to be more particular Concerning those Distempers of the State, nevertheless we conceive it is our Indispensible Duty to take all opportunities to mention them, as they are matters of Complaint, untill they are Removed, being well Assured, That the Continuance and Indulgence of them will be a means to bring down those Impending dangers wherewth we are threatened, or some other Token of God's Displeasure, for those things; That though the Proprietary's Power, as Capt. General, has a large Extent, yet the Legislative Authority of this Province is bounded by the River Delaware, and goes no further down than twelve miles on this side New-Castle; And no power given to our Govr. by the Royal Charter or otherwise, as we know of, to fitt out Vessels of Warr or Privateers; But in as much as the River and Bay below, as well as our Sea Coasts, are Chiefly under the Care and Command of the Ld. Cornbury, who is Govr. of the Jerseys and Vice Admiral of the same, Therefore we think it not improper for those Concerned in Trade and Navigation here, who depend upon such Safe guard, to Expect the Benefit of the Vice admiral's authority, which Extends not only to fitt out Ships of war, but also to arrest Ships and Vessels for the Defence of the Sea and Sea Coast, wch none can do as Govr. without Special Commission or Lycense from the Queen for the purpose, from whence we Conclude the Govr. may be sensible, That if by all the authority he could have as Govr. he had arrested a Vessel and ffitted her out with men and ammunition, When he had those hopes of putting Something (as he says) in Execution, and they had taken the Enemy, perhaps they would have mett with some more Difficulty than Hurst did to make such a Caption a Lawful Prize.

This is not the first time that Coll. Seymours name has been made use of to Amuse us, for we never heard that he exercised his Power of Vice Admiral in this River; But the Ld. Cornbury does, and we are told upon another Occasion, he Convinced the Govr. that he had Ample Authority for so doing; However, we are well assured, that he shewed a great deal of readiness to protect our Navigation, without any other Concurrence or Application but what he reced. from the private hands, as we are informed; And this we Conceive that Noble Lord did not only, in the Discharge of the Trust reposed in him by the High Admiral, But in Honour & Duty to the Queen's Majesty, upon whom the Law has put the Charge & Care of her Subjects, & Protection in which the Merchants are particularly regarded, as may appear by many unquestionable Authorities we shall here mention, but one which we think to be full to the purpose, and that is one Bales Case adjudged in the Court of Exchequer, where it was agreed, that the King in His Prerogative had the whole Dominion of the Sea, and that all the Ports were the King's, and that the King had sole Power to Restrain or forbid the Going beyond the Sea. The sole appointment into wch Countries the Merchants should or might Trade, and into which Countries they should not Trade, and for these Respects the King was to Maintain the Ports to provide for the safety of the Merchts., and to clear & scour the Narrow Seas from Pirates and Robbers, for the doing whereof was added the Tonnage & Poundage by Grant of Parliament; And since then Divers other Duties & Customs, as we understand, have been given on the same account, So that upon the whole matter it seems Chiefly Incumbent on the Govr. of this Province, with Respect to the safeguard of the Sea, when an Enemy is discovered upon the Coast, to give the Vice Admiral Notice thereof; And since the Govr. has the third of the forfeitures upon the Acts of Trade, we think he is or may be well rewarded, not only for his Care in Seeing the Said Acts Complyed with, but also for his Vigilancy in the other part of his Duty; And if our Merchants Could not reap the benefit of Protection from any of the aforementioned supplies; Yet the Trade of this place being crampt with an Impost, and the Moiety thereof appropriated for support of Govmt., we think they ought not to be putt upon sending for a Convoy, as we are Informed they were forced to do at their own Charge.

The Govr. is pleased to Intimate, that Instead of granting a present supply he is turned over to an account, of what the Proprietary has from the beginning Reced. by means of this Province, without remembering any part of his Expence. As to the supply, we shall have occasion to Speak of it hereafter, and as to the Proprietary's Expence, if any has been upon the acct. of the Publick Exigencies of the Govmt., he ought to be allowed for it; but as to what we mentioned Concerning the Proprietary's Rents, and the £2000 Tax & Imposts, wch through Misprission of Clerkship, is said in our answer to be for three years, when it should have been but two. The Govr.

has no Just Cause from any thing we said to draw such Consequences as he does, and endeavour to Invalidate affirmative proofs with bare Negatives; but we are still of Opinion, that it was much to the purpose to mention them, as we did to shew that proper Measures have been taken to provide for the Support of the Proprietary and his Deputy; Differing from the means Ordained for the Support of Govmt., Its not a Distinction of our own making, but what we Collect from the very Expressions of our Late Laws for Supplies; then where are the Extravagancies of what we mentioned on this head; Is it because that we sd., that the Rents reserved are sufficient in a Moderate way to Maintain the Propry. or his Lieutt. answerable to their Station? We see no cause to decline saying so still, and what if we add, That we Desire the Proprietary would be content to live on his Rents, and that the ffines, forfeitures, Escheats, & other profitts & other perquisites of Governmt. should be applyed for the Common good and Publick service of the Govmt., It would not be without president, for we find that the Commons of England Petitioned, that the King would Live of his Revenues, & the Escheats, fforfeitures, & other profits of the Crown, might be kept to be spent for the Defence of the Kingdom.

We are not willing to suppose, when the Proprietary was favoured with the Royal Charter, and by Virtue thereof Assumed the Govmt. of this Province, and Intitled himself to Royal Mines, Escheats, fines, forfeitures, and other profits, (wch in their own Nature are Rights of the Crown,) and as such ought to be employed for the Common good; That he Intended to Deck himself or his Deputy with those Jewels, and not have directed them and the other Supplies given for Support of Governmt., to be applied for the good of the Publick as Revenues of y^t Nature ought to be, but we rather Conclude y^e Contrary.

Therefore we Conceive, that as the Govr. was Imployed by the Proprietary to supply his absence in the administration of his Governmt.; It would have been much Safer for him to have lay'd hold on what he found uncollected of the Two thousand pounds tax to Convert to his own use than y^e Eight hund'd. pounds, & half y^e Impost given for Support of Govmt., and to defray the Publick Charges & Exigencies thereof; Which wth y^e fines, forfeitures & other perquisites of Govmt., supposed to be much more than y^e Govrs. Computation seems to make ym. We think it our Duty to Insist, may be applied to answer the occasions of y^e Publick, before we proceed to y^e raising any new supplies, because y^e acct. we have of the former is no ways satisfactory to this House, it being no Demonstration at all y^t the Publick fund is Expended, as it ought to be, Upon the support of Govmt., But directly the Contrary.

We have no Acct. of the Indian Treaties & the neglect of gathering the Tax, seems still to remain where it was; Therefore we desire it may be dispatched, for it will prove inconvenient to lay another assessment till that be collected.

Signed by Ordr. of the House, N. C. D.

DAV'D. LLOYD, Speaker.

Govr. Evans. having never mett the assembly chosen for the Provincince the first of Octr., 1708, but went down to his Plantation, near the Town of New Castle, where he frequently made his abode, at that town mett their assembly, & delivering them the following Speech on the 15th of October, reced. an answer, which he did not expect; for some persons of figure then in that place, hearing the Govr. was shortly to be superseded, and imagining from thence that he would readily joyn with them in an application to the Queen, to have those Counties erected into a Separate Governmt., for which he might be able to procure to himself the first Commission, they formed their Scheme accordingly; But the Govr. having too much honour to Countenance such a Design, Communicated the following papers, & being of an Extraordinary nature, they are entered in these minutes.

GENTLEMEN:

I have not many matters to propose to You; But what I shall insist on will Doubtles appear of Weight to you, as the Protection of the People has ever been look'd upon the main Design & end of Govmt., so I have Constantly thought it my Duty to propose to every Assembly I have had the happiness of meeting, Such means as our Circumstances would allow of for that End; not only by providing by good laws against Private & Particular Wrongs & Injuries, But also agst. the more general & Destructive ones of a Publick Enemy, in so dangerous a time of War; for wch end I pass'd a Law for Establishing & Regulating a Melitia, & I can with a great deal of satisfaction say, & I doubt not but most of you can joyn wth me, that y^e Powers granted by that Law, have all a long been lodged in y^e hands of such officers as have faithfully & with Diligence discharged their Duty, & that y^e Inhabitants are in a much better posture of Defence than ever they were before that Act.

I need not tell you, Gent., that the Danger Continuing & Increasing, (as the Insults of the past Summer at our Doors do too Sufficiently Convince us,) I am under an Indispensable Duty still to press to your Serious Consideration y^e necessity of Continuing those means, that in as much as in us Lys, we may not be wanting in our Duty to her most Sacred Majesty, by providing for the Safety & Defence of her Subjects wthin this Govmt., whom you now represent, Either by Continuing the same Act, or making such alterations as time & Experience may have shewn to be necessary, wch I leave to your selves to Consider of.

I shall only Just mention the support of Govmt. to You, knowing you are Gent. who are sensible that is a Duty, as well as that of Protection from it, And hope y^t yor unanimity will bring you to a speedy Conclusion of this session.

The Assembly's address to the Govr. in answer to his Speech, 8br., 1708.

May it please your Honour:

We, the Representatives of y^e freemen and Inhabitants of the

Counties of New Castle, Kent & Sussex, upon Delaware, in Assembly mett, having taken into our serious & Deliberate Consideration your Honour's Speech at our meeting together, In wch we find Recommended to us as highly necessary, y^{e} providing for y^{e} Defence, & also for the support of the govmt. in wch we live, things wch we acknowledge & believe to be y^{e} Indispensable Duty & Interest of all Assemblies; and Considering that the Dangers of War, and particularly of this present year have been Greater & more than at any time heretofore, Especially at Sea, and in a manner at some of our Doors; Notwithstanding of which were we never so willing to provide agst. at present; We cannot with that Resolucon & Chearfullness as becomes us, Especially when we Consider & look back upon the addresses & Requests y^{t} have been formerly made to the Honble. William Penn, Esqr., our Proprietor & Govr., By the Representatives of the aforemention'd Counties in Assembly; More Especially in y^{e} Assemblys held at Philadelphia, in y^{e} Years 1700 & 1701, in Relation to his Right of Govmt. over these three lower Counties. To all wch Addresses & Requests (some of us now present being then members of those Assemblies) could never receive a satisfactory answer; And whereas, the Raising of men & money for our Defence & Support of Govmt., & laying Restraints upon our fellow subjects, are acts of the highest nature, & ought to be warranted with the greatest authority.

Therefore this present Assembly believes it their Duty before they proceed to any further business, Humbly to Address your Honr., that yor Honr. would be pleased to lay before them the Powers of Govmt., wherewith your Honr. is invested, as to mattr. of Legislation, in relation to those we represent; That being satisfyed of the sufficiency thereof, we may with alacrity & Readiness, as becomes us, Contribute to and Provide for the safety of her Majesty's subjects, & the reasonable support of the Govmt. under wch we live.

Signed by order of the House,

JAS. COUTTS, Speaker.

To wch the Govr. returned y^{e} following answr., Octobr. 21st, 1708.

GENT:

What I lay'd before you at your first meeting me at this time, was what I thought became me in my station to propose to the Representatives of the people, & I doubted not of your Concurrence wth. me in it; But now I find you start Difficulties, by Questioning my Power of Acting wth. you. In ansr. to wch. I must tell you, Gent., that in Engld. when I recd. my Commission, I had not the least Reason to scruple y^{e} Authority of it, since upon application to her Majesty in Council, I had without any Delay y^{e} Honr. of her Royal approbation to be your Govr., upon wch. foundacon, upon my arrival I Publish'd my Commission & approbation, & proceeded to the several Acts of Govmt. necessry., till such time as these counties thought fitt to Lay hold on y^{e} Charter granted by the Propr., upon wch. foot I have continued to act wth. them Ever since, as I need not inform you, to y^e passing many Laws more than I thought necessary for any Colony in America; having been always of opinion that the Laws of England in general, are y^e best security for all her Majesty's subjects, & having for near five years Continued to Execute those High Acts of Govmt., without any thing appearing to Question the Authority I acted by from Her Maty., (in whom alone all power of Governmt. is lodged, & from thence Derived,) or her Ministry; y^e Question now put to me, seems to carry an appearance of Greater hardship to me, than I would think I deserve, I must add that I am very well satisfied wth. what I have done; nor has, I believe, the Country cause to be otherwise; but if any person imagines he has, I shall only say that I expect shortly to have an oppty. in Engld., to ansr. it, & that during my Publick Employmt. here for some years past, I can't but have involved my self in many affairs, y^t will require all the time I have to spare from rendering y^e Countrey any real services to Extricate my self of, therefore Can't think it worth my while to take pains to vindicate an Authority wch. will very shortly be invested in another, and shall therefore think it fittest for me in such Circumstances, to Refer the whole matter intirely to be considered of as you shall see cause.

The House then Consisting of but 17 members, R. ffrench having been chosen in, & returned for both N. Castle & Kent, all the 6 members of Sussex, wth. one for each of y^e other 2 Counties thought fitt to Withdraw, & thereby break up the House, for wch. they gave in the following Reasons, & one draught of ym. to y^e Govr., sign'd under all their hands.

Reasons why We, the under written, members of Assembly, cannot Joyn wth. the rest of the House in their present proceedings, nor continue to sitt wth. them:

We cannot think that we have had any occasion given us to question our present Govrs. Authority, and that if we had, yett we Judge it to be very unreasonable; that therefore his answer is very suitable, & what we might expect to so unseasonable a Proposal.

That to start this now, & press it so very eagerly, seems to arise rather from a Design to raise all possible objections agst. our present settlemt., and thereby lay some foundation to Introduce a Change amongst us, (which we are all resolved against,) than to do any real service to the Countrey we represent, & that the first intended effect would be a discouragmt. to our Court proceedings & the Current of Justice, that the Consequences of these things are so dangerous that we cannot Joyn with any thing that tends that way.

Therefore, finding that the Govr. has nothing more to say to us at present, & being resolved to keep our selves Clear of every thing that may hurt our Establishment, or disturb the peace we enjoy, we think fitt to return to our habitations.

Thos. ffisher, Suss.
Richd. Empson, Newc.
Corn's. Wiltbank, Suss.
Jos. Booth, Kent.

Philip Russell,
Willm. ffisher,
Nicho's. Grainger,
Ad. Johnson,
} Suss.

N. B. That Govr. Evans mett not the Assembly that was Elected the first of October, 1708. But repairing to New Castle, He Continued in that County till the latter end of the Month, and Never mett the Provincial Assembly more.

At a Council held at Philadia., the 1st of Febry., 1708-9.

PRESENT:

The Honble JOHN EVANS, Esqr., Ltt. Govr.

Edward Shippen,
Samll. Carpenter, } Esq'rs.
Willm. Trent,

Richd. Hill,
James Logan. } Esq'rs.

Capt. Charles Gookin arriving at this City last Evening, with a Commission (as 'tis said) from the Honble Willm. Penn, Esqr. Proprietor & Govr. of this Province, constituting him, the said Gookin, his Ltt. Govr. of this Province of Pennsylvania & Counties annexed, ye Govr. proposed, that as many as were now Convened should wait upon him & Congratulate his arrival, and accordingly they paid their Respects to him at his Lodging, Where the proper Salutations being passed, the said Gookin presented the Govr. with his Commission, bearing date ye 3d of September, 1708, together with the Royal Approbation, dated at Windsor, July the 18th, 1708.

And the Magistrates and Officers of the Corporation, with Divers other Gent. being assembled, they sett out to the Market Place, Coll. Evans taking the Right hand, & the Commission & Approbation being audibly read with the usual acclamations, the Compa. Returned with the like Procession, Govr. Gookin now taking the upper hand, after which the Compa. parted.

Ordered, that ye Secry. prepare a Proclamation in the usual form for continuing Officers, to be published to morrow in the Market place.

At a Council held at Philadia., the 2d of febry., 1708-9.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Judge Growdon, } Esq'rs.
Caleb Pusey,

James Logan,
Willm. Trent, } Esq'rs.
Richd. Hill.

The Secry. having prepared a Proclamation, according to order of Yesterday, for Continuing of officers; the same was read, and being approved of, was ordered to be proclaimed this Day at noon, and is as follows.

By the Honble Coll. Charles Gookin, Lieut. Governour of the Province of Pennsylvia. & Counties of New Cast., Kent & Sussex, upon Delaware.

A PROCLAMATION.

Forasmuch as the Right Honble Willm. Penn. Esqr., Proprietary and Govr. in Chief of the sd. Province of Pennsylvia. and Counties, have thought fitt by this Commission, under his hand and great Seal, bearing Date the third Day of Sept. last past, to Constitute and appoint Me to be his Lieutt. Govr. of the said Province and Counties, with all necessary Powers and authority for the Well Governing of the same, wch said appointmt., the Queen's most Excellent Majesty, in a Council held at Windsor the Eighteenth Day of July last, before the Date of y^e sd. Commission was Graciously Pleased to allow and approve of; I therefore, in Pursuance of the Trust in me Reposed, having a Special Regard to the Safety of the State and Government of the said Province and Counties; And to prevent failures in y^e administracon of Justice therein, have, by and with the Advice and Consent of the Council of the said Province & Counties, thought fitt to Ordain, & Do hereby Ordain & Declare, that all ordinances, Orders and Commissions whatsoever heretofore, Issued by the said Propry, Or the honourable Coll. Jno. Evans, late Ltt. Govr. of the said Province and Counties, which were in force on the first day of this Inst ffebruary, shall be, Continue, & remain in full force, power & virtue, untill my further pleasure shall be known therein, and that all persons whatsoever, who, on y^e said first Day of this Inst., held or Enjoy'd any Office, place or benefit, By virtue of any such Commission as aforesd., shall Continue to hold and Enjoy the same untill they be Determined by me as aforesd., or by other sufficient authority. And I do further hereby Command & Require all Magistrates, Officers, & Commissioners whatsoever, in whom any Publick Trust is Reposed in this Govmt., that they Diligently Proceed in the Performance & discharge of their Respective Duties therein, for the Safety, Peace, and Well-being of the same. Given under my hand and Great Seal of y^e said Province & Counties, at Philadia., the second Day of febry., In the Seventh Year of the Reign of Queen Ann over Great Brittain, &c., And the Eight & Twentieth of the Propry's Govrmt., Anno Domini, 1708-9.

CHA. GOOKIN.

God Save the Queen.

And it being necessary that the Govr. should take the Oaths required by Law, Willm. Trent administred to him the oath of allegiance or Fidelity to the Queen, with the other usual oaths.

And 'tis Ordered, that notice be given to Coll. Quary, Jno. Moore, and Jasper Yeates, three of y^e Commissioners appointed to administer y^e Oath injoyned for the security of Trade & Navigation, that they attend to morrow in the afternoon, by Vertue of Dedimus Potestatem under the broad seal of England, prepared for that purpose, to administer the same.

At a Council held at Philadia., the 3d of febry., 1708-9.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Judge Growdon,
Caleb Pusey,
Esq'rs.

James Logan.
Willm. Trent,
Richd. Hill,
Esq'rs.

Coll. Quary, Jno. Moore, and Jasper Yeats, attending on the board, and the Dedimus being presented to ym. for administring y^e Oath for y^e Security of Trade & Navigation, they accordingly administred y^e same & then withdrew.

Be it remembered, that on the fourth of this Instt., febry., the Govr. sett out for New Castle, in Order to Proclaim his Commission there.

At a Council held at Philadia., the 8th of febry., 1708-9.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,
Samll. Carpenter,
Judge Growdon,
Caleb Pusey,
Esq'rs.

James Logan,
Willm. Trent,
Richd. Hill.
Esq'rs.

Whereas, it has for some time past been Judged necessary, that a further addition be made to the number of y^e Council, Isaac Norris & Samll. Preston, were nominated as proper persons to be added to the same, & Richd. Hill & y^e Secry. are order'd to invite them accordingly to-morrow.

At a Council held at Philadelphia, the 9th of febry., 1708-9.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,
Samll. Carpenter,
Judge Growdon,
Caleb Pusey,
Esq'rs.

James Logan,
Willm. Trent,
Richd. Hill.
Esq'rs.

Isaac Norris and Samll. Preston attending according to Notice, they took the several Qualifications injoyned by Law to the People called Quakers, and then took their Places at the board. Anthony Palmer having been thought a Proper person to be likewise added to the board, 'Tis ordered, that Wm. Trent and the Secry. invite him to it to-morrow afternoon.

At a Council held at Philadia., the 10th of febry., 1708-9.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Judge Growdon, Esq'rs.
Caleb Pusey,
James Logan,

Willm. Trent,
Richd. Hill,
Isaac Norris, Esq'rs.
Samll. Preston.

Anthony Palmer attending according to Notice, took the Several Oaths Directed by Law, & took his place at the board.

At a Council held at Philadia., the 1st of March, 1708-9.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Judge Growdon, Esq'rs.
Caleb Pusey,
James Logan,

Wm. Trent,
Richd. Hill,
Isaac Norris, Esq'rs.
Samll. Preston,
Antny. Palmer.

F. D. Pastorius & Johannes Jawert, attending the board, presented two Several Petitions on the same subject, in these words:

To Cha. Gookin, Esqr., Ltt. Govr. of ye Province of Pensylvia. &ct. & his honble. Council.

The Earnest Peticon of ffrancis Daniel Pastorius.
Humbly Sheweth:

That Whereas, your Petitioner is not only a Co-partner of a Certain Compa. Called the Frankford Compa., but also hath served the same ye space of Seventeen Years & five Months, without ye least paymt. from ye said Compa. of a reasonable sallary promised unto him out of ye Revenues of their Pennsylvanian Estate, and moreover hath Considerably disburs'd on their acct. &ct., one Jno. Henry Sprogel, thro' the Contrivance or Plotting of Daniel Falkner, in ye last adjourned Court, held for the County of Philadia., the 13th of Janry., by means of a Fictio Juris, as they term it, (wherewith your Petitr. is altogether unacquainted,) hath gott a Writt of Ejectmt., wch it doth not effect your Petitioner, yet the said Sprogel would have Ejected him out of his own home, &ct.; Therefore your Petitr. humbly intreats the honble. Govr. & his Council to be pleased to take into your serious Consideration; 1st that the sd. Falkner, what he hath Done in this Case, did do solely by himself, beyond his Power, & contrary to the mind and Will of his Joynt Attorney, Johannes Jawert; 2d. That Sprogel Can't shew any Deed of Sale from your Petitioner's Co-partners in Germany, ye wch if ye French had taken, (as he sometimes will say,) might by him have been procured afresh, he afterwards lying still in Holld. several Months; 3d. That suppose he had brought the shares of those in Germany, there y^e^ sd. Compa. or their Attornies here ought in honesty to make up their accots. with your Petitr. & satisfy what's Justly owing to him & others, pursuant to their Contract of Society; 4thly. That the sd. Sprogel, having at once in the Last adjd. Court above mention'd, gott the said Writt of Ejectmt., so as to finish this his Contrivance in the County Court, to be held third day of the next month, between wch & the former no Provincial Court doth Intervene, for a Writt of Error, &ct hath further fee'd or retain'd the four known Lawyers of this Province, in Order to Deprive as well your Petitr., as likewise Johannes Jawert, of all advice in Law, wch sufficiently argues his Cause to be none of y^e^ best. And so finally your Petitr., notwithstanding he was the first of all Germans that came into this Countrey since it is Province, yet being but poor and unable to fetch Lawyers from New York or remoter places, makes this his humble application to the honble. Govr. & his Council for any such effectual Relief as You in Juctice & Equity shall think Expedient, both in restraining the said Sprogel's further proceedings, before he prove his Title, and also that your Petitrs. Accots. & further rightful Demands may be settled & acccomplished with y^e^ Attornies of the Abovesaid Compa., according to the Way & Method by themselves agreed upon in their Contract of Society, and your Petitr. shall thankfully acknowledge Your Justness towards him in this his helpless Condicon, and ever pray, as in Duty bound.

FRANCIS DANIEL PASTORIUS.

To his Honor, Cha. Gookin, Esqr., Ltt. Govr. of y^e^ Province of Pennsylvia. &c., & his Honble. Council.

The Petition of Johannes Jawert humbly Sheweth:

That Whereas your Petitr., by a Lettr. of Attorney, a Copy whereof is here inclosed, hath been Impowr'd together wth. Daniel Falkner, (& Johannes Kelpius, now Deceas'd,) Jointly to administer a Certain Estate in this Province, consisting in 25000 acres of land, & belonging to some persons who live in Germany, as by the sd. Copy more fully Doth appear; And seeing of late one Jno. Henry Sprogel, upon his arrival from Holland, first told your Petitr. that he had bought y^e^ said Estate of those persons residing in Germany. but afterwds. Denying it, again proferred to buy y^e^ same of your Petitr. (who is a partner thereof,) and his Joint Attorney, Danll. Falkner, and when your Petitr. could not accept of his terms, he offering a very inconsiderable summ, then he promised one hundd. pounds to your Petitr. Gratis, or to put up for himself; But your Petitr. not willing to betray his trust, broke off; & so before he was aware, & without y^e^ least of his knowledge, the said Sprogel, under a Pretence of a Debt owing him by the said Falkner, under hand solely by the Connivance & Collusion of y^e^ sd. Danl. Falkner, who nevertheless, was not Inabled to Act, without your Petitr. Ejected the sd. Germans out of y^e^ sd. their Estate at the last County Court, held y^e^ 13th of Janry. not giving any notice thereof, to your Petitr., or any other person concern'd. And besides, he, y^e^ said Sprogel and Falkner, to make this their abominable Plott to bear, did fee all the known Attornies, or Lawyers of this Province, either to speak for ym., or to be silent in Court, in order to deprive your Petitr. of all advice in Law, even so much as to find none to signify this, your Petitr's. Complaint, or to draw a Peticon to your Honour, & Council in due from your English method.

Therefore your Petitr. most Earnestly intreats your Honour, yᵉ Govr. & Council to take yᵉ Premises into your serious Considerations, & for yᵉ preventing of yᵉ scandal, which by yᵉ above menconed treacherous Plott, between Sprogel & Falkner, will be caused to be cast upon yᵉ Proprys. Governmt. & Courts of Justice of this Province, in several Parts of Germany, where your Petitrs.. Imployers & Copartners do dwell. To put a timely stop to yᵉ Wasting of Timber on yᵉ aforesd. Estate, which yᵉ said Sprogel hath already begun to make, and to lett or hinder both his receiving ot the Rents or arrears of Rents, due to the said Persons in Germany ; and more Especially the selling of the whole, or any Tract or parcel of the above sd. Estate, till your Petitrs., Imployers, & Copartners in Germany, may be acquainted with yᵉ foul, & unanswerable fact of Danl. Falkner, their untrusty Attorney, and Letters may be had from them Concerning this business, and your Petitr. not only for himself, but also in the behalf of those in Germany, shall ever acknowledge this, Your Justice & favor, and pray as in Duty bound.

JNO. JAWERT.

And the mentioned attempt being so heineous, that it was scarce accounted Credible, they were Called in and examined upon yᵉ Circumstances of the case, by wch. it appear'd. that David Lloyd was principal agent & Contriver of the whole, and it was affirmed that he had for his pay a thousand acres of Benjamin Furley's land, which he, the said Benjamin, was so weak as to intrust Sprogel with the Disposal of.

Ordd. hereupon, that notice be given by all yᵉ Conveyances that may be to the francfort Society of Purchasers, yᵗ they forthwth. send full powers to reverse yᵉ Judgmt. according to Law.

At a Council held at Philadia., the 9th of March, 1708-9.

PRESENT :

Yᵉ Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Samel. Carpenter,
Judge Growdon,
James Logan,
Willm. Trent,
} Esq'rs.

Richd. Hill,
Isaac Norris,
Samll. Preston,
Antny. Palmer.
} Esq'rs.

The Govr. acquainted the Board that He had last Monday night, the 7th Instt., between five & six a'Clock, a Conversation with Griff. Jones, & three more of yᵉ Assembly that came to his Chamber, of which He had Communicated the Substances to writing, & it was to this purpose, He was come to acquaint yᵉ Govr. that the Assembly was mett according to a late adjournmt., that He, (the Govr.,) told them in other her Majesty's Provinces, the Govrs. called on the Assemblys, & asked them whether in this Province it were the custom for yᵉ Govr. to call the Assembly, or yᵉ Assembly the Govr.; One of them answered, neither, for they were not summoned by Writt, as the House of Commons in England, but their Charter gave ym. power to meet & adjourn.

The Govr. asked them whether they had Power to meet & adjourn, where & when they pleased; They answered they had, and according to that Power they had mett, & were Come to acquaint yᵉ Govr. with it, & to know if he had any thing to offer to them. The Govr. told him as he was a Stranger to the Constitution of the Province, He had nothing then to say to their Charter, but that he had somethings to propose to ym., for Her Majesty's service, & their Interest, and that He had no Instuctions from yᵉ Propry., but what was for yᵉ General Good of the People, and assured them that He had in himself all Imaginable Inclinations to serve them to yᵉ best of his ability, and as he had no Design but what would answer the character of an honest man, so he did not Doubt but Every thing yᵗ could be called fair might be Expected from ym. They answered there was no fear, but they should agree with yᵉ Govr., and Desired to know if he had any thing to propose to them. He answered He had, but was yet unacquainted with the Methods of the Province, that He must take some time to Consider so Weighty an affair, and when he was ready He would let them know it. One of ym. asked if he could be ready in 2 or 3 Days; He told them yᵉ business required more time, and that He should Call on them in a Regular & Legal manner.

After this Conversation, the Govr. said He had receiv'd from the House this day the following address, which he laid before the board to be considered.

The Address of yᵉ Representatives of the freemen of yᵉ Province of Pennsylvania, in Assembly Mett, yᵉ Ninth day of yᵉ month called March, 1708-9; Presented to Charles Gookin, Esqr., By the Queen's Royal approbation, Lieutenant Governr. of the said Province, &c.

May it please the Governour:

Having this oppty., we could do no Less than Congratulate thy seasonable accession to this Govmt., and Render our most Grateful Acknowledgements to the Queen for her Gracious Acceptance of of the Propry's Nominacon of thee to supply his absence, And to him for Constituting a person of so fair a Character, furnished (as we hope) with a full Resolucon, as well as Power, to Redress the aggrievances and Remove the oppressions that this Poor Province has, for some time Labour'd under, Occasioned by the Irregular Administration of yᵉ late Deputy Govr., who was too much Influenced by Evil Counsel, To whom yᵉ Miseries & Confusion of the State & Divisions in this Govmt., are principally owing.

We are here ready to represent such of those Publick Grievances as are laid before us, or Occur to our knowledge in particular Articles, & bring ym. to a proper Examination. But perceiving by thy Message to this House Yesterday, That thou art not Ready, at this time, to proceed with us to business; We shall take leave only to Mencon, some of those things Which the Publick Weal of this Countrey loudly Calls for a most Earnest Applicacon and speedy Redress.

In the first place we are to lay before thee, That of the false alarm in May, 1706, Wherein the late Govr. was Chief Actor, And for which He is Highly Chargeable, having Shott at the Queen's Subjects, putting many of y^e^ Inhabitants of this Town in Danger of their Lives, And fforced great Quantities of Powder & lead from y^e^ owners, and gave it to such as wasted it, When he knew there was no Occasion to use it, Whereby he Deprived the place of what ammunition might be ready for those that had freedom, to make use of it for their Defence in case of an attack.

The next is that Notorious Act of Hostility he Committed by firing Shott at the Queen's subjects passing by New Castle, in this River, upon their Lawfull Trade to and from this Port.

We mencon these as they are in our opinion offences of a Deep Dye, and Committed agst. the Queen's Crown & Dignity, As well as agst. the Peace, &c., and ought to be charged upon him before he Departs this Province; But the method of y^e^ Prosecucon against him we submitt to thy Prudent Care and Direction, and we shall be Ready to do what is proper on our parts.

That the Treasurer of the last Tax has refused to Comply wth. the Direction of the Assembly, in paying the Publick Debts according to the Respective Ordrs. Drawn upon him and signed by the Speaker; And that the Collectors of the said Tax, who neglected their Duties in Gathering y^e^ same, have not been obliged thereunto according as the act of Assembly in that case directs, And more particularly the Collector for the City & County of Philadia.

That the Courts of Judicature of this Province have been, and are Erected by Ordinances of the Govr. and Council, against the advice and without the Assent of the Assembly, wch we Complain of as a great oppression & aggrievances to the People we Represent, & Desire the same may be speedily Redressed, & the Bill prepared for Establishing Courts, With other useful Bills Ready to be Presented to y^e^ Govr., may be considered.

We are Given to understand that thou brought some Commands from the Queen to this Govrmt., as well as Instructions from the Propry. Relating to y^e^ Publick, Which with a Copy of thy Commission and y^e^ Royal approbation, Wee Desire may be communicated to this House at our next Meeting, which we intend on the Twentieth Day of the next month, And shall adjourn accordingly, unless it be thy Pleasure to Call us Sooner, which we shall be Ready to Comply with, not only in Expectacon of a speedy Redress of our aggrievances, But to settle by Law how Money shall be paid upon Contracts made & to be made before the new Currency of Money takes effect.

Signed by Order of the House, N. C. D.
Per DAV'D LLOYD, Speaker.

To which y^e Govr. made y^e following ansr.

GENTLEMEN:

I am much a stranger to these affairs, & hope it will not be taken amiss if I take some time to Consider of 'em. I am unwill'g to look back to matters transacted before my time, but shall be ready to do all that I can for the Good of the Publick, for that was my end in coming here.

They made no answer.

At a Council held at Philadia., the 16th of March, 1708-9.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,
Samll. Carpenter,
Judge Growdon, Esq'rs.
Caleb Pusey,
James Logan,

William Trent,
Richard Hill,
Isaac Norris, Esq'rs.
Samll. Preston,
Antny. Palmer.

Thos. Fairman presented to the Board a Petition Complaining against one Jno. Morris, of the County of Bucks. about the payment for a Parcel of Land, wch the Petitr. sold him, and was put to arbitration, under y^e forfeiture of very large Bonds; but the Arbitrators Delaying to Give Judgemt. till the last night of the term, He acknowledges he failed to Comply with them, alledging there were palpable Errors in the settlemt. of the acct., but as the affair appears perplex'd & this Council being no Court of Equity, He is referred over to the Law.

The Govr. and Council taking into Consideration y^e Great Inconveniencies that Debtors in this Province may fall under after the New Regulacon of Money, by Virtue of the Queen's proclamation & y^e act of Parliament, Confirming y^e same, takes place, Unless some due Provision be made by Law to Direct how Debts contracted before y^e first of May next, shall after that time be discharged. 'Tis Ordered, that the Council who have the best opportunities of being acquainted wth affairs relating to trade & y^e Money of this Province, do meet upon such Days and at such Places as they shall think fitt to appoint, to Consider of all things necessary to be agreed on and inserted into a Bill, to be past with the Assembly, (who are now Speedily to sitt,) into a Law, for y^e purpose aforesaid, and that they take to their Assistance all such other persons of understanding in the place as they may think capable to Advice therein, & that they say before this board the Result of their proceedings thereupon, on the fifth day of April next, to which time the Board adjourned.

JAMES LOGAN, Secry. & Cl. Cocij.

At a Council held at Philadia , the 12th of April, 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lieutt. Govr.

Edward Shippen,		Jasper Yeats,	
Joseph Growdon,		Caleb Pusey,	
Saml. Carpenter,	Esq'rs.	George Roche,	Esq'rs.
James Logan,		Antho. Palmer,	
William Trent,		Saml. Preston.	

This being the Day appointed for the Assembly to meet, The Govr. laid before the board a Speech, drawn up in Writing, wch he thought would be convenient for him to make to the Assembly, and desired their opinion of it.

The said Speech was read and considered by Paragraphs; & some additions being made to it, was approved of.

Two members from the Assembly acquainted the Govr. that the House was mett and desired to know if they might expect any thing from him this night.

They were answer'd that at ten in the morning the Govr. would send to them.

All the members of Council present remonstrated to the Govr. that in the Assembly's last address, dated the 9th of March last, they had Complain'd of Divers grievances and oppressions, & of Miseries & Confusions in the Govmt., which they said were principally owing to the evil Council with wch the late Lt. Govr. was influenc'd, wch words (evil Council) the members said was generally understood to intend the Late Govrs. Council, most of which were now at this Board; That this was a heinous reflection, which they had not in the least deserved, & therefore desired that he would take notice of it to the House, in his speech to them.

Coll. Evans, late Lt. Govr., this day deliver'd an address, directed to the Govr. & Council, wch was read in these words.

To the Honble. y^{e} Lieutt. Govr. and Council of the Province of Pennsylvania, &c.

The reasons of my Giving the Govr. & Council board this Trouble being known, I hope I shall need make no other Excuse for it, which are the heavy charges the Assembly in their Address to the Govr. bearing Date the 9th of last month, have thought fitt to lay upon me, wherein by the first Paragraph of that Address the House have N. C. D. asserted that the aggrievances & oppressions this

Poor province has for some Time Labour'd under, have been occasion'd by the irregular Administration of the late Deputy Governour, Influenced by evil Council, to whom the Miseries and Confusions of the State and Divisions in the Govmt. are Principally owing.

Charges of such a Nature, & dress'd up in Terms so suitable, will Certainly make an appearance frightfull enough; But I have been too Well and too Long acquainted wth the names and honesty of the men who are the Contrivers and Promoters of the Charges, to have given the board or my self a Trouble of this Nature about 'em, Who may Justly Expect a very different Treatment & answer from a Patience abused & provoked to the last; had they not as usually imposed upon honest, Well meaning men to Joyn with them, which has so Alter'd the face of the thing, that the Implacable & base malice of three or four men is covered under a mistake of a Representative body of the whole Province; Therefore I begg on the Govrs. part that he would be pleased to do me the justice to Enquire as he shall see occasion, into the grounds of so much clamour of such worthy members of Council, whom he found at the board at his arrival, who served the country in that station During & under my administration, whom he will certainly find the Reverse of what that Clause in the address Stiles, vizt: evil Council.

And of those Gentlemen of the Council, I had the good fortune to be advised by, & whose advice in matters of Govmt. has been strictly adhered to, and whose good service to the Country on all occasions Demand a vastly different Return than they have mett with, I have all the reason in the world to hope from the Experience I have had of their Candour, that upon a serious Reflection of the late administration, they will do me honour & Justice when & where they shall judge it proper to vindicate it from such mean & Dirty assertions; And I do not doubt but that those Gentlemen who have given sufficient proofs of their Courage & Constancy in opposing wth me the many Rude & Notorious attempts that have been Continually made upon the Govmt. by such factious and Turbulent men, will exert themselves so far as they justly may to shew the unreasonableness of such Imputations.

Their particular Charges I should be glad of an opportunity of accounting for, before those who have a Right to require it; But for that I must wait till I arrive in great Brittain, which is the reason I say nothing of them here.

I am, with all Due Regards, may it please yor Honour & Council,
Yor Very Humble Servt.

JNO. EVANS.

This Address being considered, the present members of the said late Govrs. Council declared that two of the Articles with which he was Charged in the House's Address, did not in any wise concern them, but that to the other two they had advised, as would at large appear by former Minutes of Council to which they referred, and should always be ready to justify their Proceedings therein. And thereupon the said members insisted on it that they should crave satisfaction for the abuses put upon ym. by the Assembly, and accordingly Resolved to make an application to the Govr. for that purpose. They also unanimously Concurred in representing to the Govr. that they knew no part of the late Lt. Govrs. administracon, which was debated & Resolved in Council, but was regular and Justifiable, and particularly all transactions with the past Assemblys, in wch the Opinion of the Board to the best of their knowledge and Remembrance, had generally been followed, and 'tis appointed that the Assembly attend at ten in the morning, to which time the board adjourns.

At a Council held at Philadia., the 13th of April, 1709.

PRESENT :

The Honble. CHA. GOOKIN, Esqr., Lieut. Govr.

Edward Shippen,
Joseph Growdon,
Saml. Carpenter,
Caleb Pusey,
James Logan,
Wm. Trent,
Esq'rs.

Richd. Hill,
George Roche,
Isaac Norris,
Saml. Preston,
Antho. Palmer,
Esq'rs.

The Council being sate, a Message was sent to the House of Representatives, to require their attendance immediately, who accordingly presented themselves, & the Govr. Spoke to them in these words.

GENTLEMEN :

It would have proved a much greater Satisfaction to me if at this my first time of Speaking to you, I had nothing to take notice of but what I myself might have to lay before you ; but your address presented to me in March last, when you sent me Notice that you were Sitting, will, before we proceed to any other business, Require some Answer, In which I will be plain & as short as the matter will bear.

I thank you gentlemen in the first place for your Congratulations, and do assure you I come with full Resolutions on my part to Employ the Power with which the Proprietary has thought fitt to honour me, and her Majesty has been graciously pleased to approve of, to Render the People of this Govmt. as happy and Easy as is possible for me, in all things that shall concern their True Interest, and be to their Real advantage. I have Enquired what might be meant by those aggrievances, oppressions and Confusions which you Complain of, and whatsoever I shall find that deserves those names shall meet with my ready Concurrence to remove them as far as they shall appear ; but must say that I believe one effectual method to free all people from the apprehensions of Grievances, will be to lay all former animosities and Jealousies aside, and for the future apply themselves to such business as they are concerned in for yᵉ Publick, with a freedom & openess of Temper, and an unbyassed Inclination to promote the Common Good, without any other particular views, if we could be so fortunate as to take Example from her Majesty's Glorious administracon of her Dominions at home, and that of her Parliamt., we should not fail of being Extream happy.

As to those two past actions of my immediate predecessor, of which you Complain, I can only inform you that they were both well known in Brittain before I left it, and that I had no directions to make an Inquiry into them, and that upon the best advice that I can receive here, I find they will not properly fall under my Cognizance in the station I am placed in, and therefore cannot think it fitt to Concern myself with them. But I am obliged to observe to you that the Council of the Province now with me think themselves very unjustly treated by the mention you have made of them, if they (as 'tis Generally understood,) be intended by the Evil Counsel, of which you have taken notice, and therefore will take the Liberty to vindicate themselves, as you will see by their application to me, to wch I referr you. The Charge agst. the Treasurer, I find is occasioned by his and the Councill's understanding the act of Assembly, by which yᵉ money that Comes into his hands has been granted, somewhat differently from what the present and late Houses of Representatives have done; he pleads yᵉ Law as his best direction, & you cannot but agree that 'tis fitt that this alone (I mean yᵉ Law) ought to Determine the matter. As far as I have hitherto been Capable, I have pressed the Collection of the Taxes, and shall continue the best of my Care untill they be finished.

The method of Establishing Courts by the Govr. and Council was also well understood in great Brittain, and was approved of there, as being grounded on unquestionable powers granted the Propietary; the Bill formerly prepared by the Assembly for that purpose, which is now before the Board, has not been allowed of; but seeing the present Establishment, which was drawn, as I am Informed, according to the plan laid down in the Bill, Carries some Inconveniencies with it, and requires an alteration; I shall be Ready to agree to any other Reasonable Bill that you shall hereafter propose for settling Courts of Judicature in such a Regular method as may be a Lasting Rule for Holding them.

I have no Instructions, Gentlemen, from her Majesty that will Concern you; Those from the Proprietary being to myself, as Occasion offers, & where it may be proper, I shall acquaint you with the particulars. I have ordered Copies of my Commission & her Majesty's approbacon to be prepared & Deliver'd you.

I shall now propose to your serious consideration some other matters of the highest importance, without wch Govmt. Cannot Long Subsist, as a due provision for the support of it, & for yᵉ Security of yᵉ people, but what I shall principally Recommend to you at this time is in the Latter part of yᵉ Paragraph of your address, (vizt:) to prepare a Bill for settling by Law how money shall be paid upon Contracts made, & to be made, before the new Currency of money takes effect; this, as I find by the great uneasiness of the people, is a Matter Will Require a very speedy Provision, & therefore hope you will find such Just & equal methods for it as neither the Drs. on the one hand, nor the Credrs. on the other, may suffer by the alteration; to which I desire you may Forthwith proceed with as little loss of time as is possible, after wch we may have opportunity to Enter into the Consideration of such other matters as may naturally fall before you.

At a Council held at Philadia., y^{e} 15th of April, 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lt. Governr.

Edward Shippen,
Saml. Carpenter,
Joseph Growdon,
Jasper Yeates,
Caleb Pusey,
James Logan, Esq'rs.

Saml. ffinney,
Willm. Trent,
Richd. Hill,
Is. Norris,
Saml. Preston,
Capt. Palmer. Esq'rs.

The members who were of the late Lt. Govrs. Council, viz: the first nine members presented to the Govr. the following address, signed under all their hands.

To y^{e} Honble. Charles Gookin, Esqr., Lt. Governr. of y^{e} Province of Pennsylvania, & Countie of N. Castle, Kent & Sussex, upon Delaware.

May it please the Governour:

We, the members of Council for y^{e} said Province, who attended the board During the Administracon of y^{e} late Lt. Govr., upon viewing the Address presented by the Assembly on the 9th of March last, Think ourselves obliged to observe, that in the first paragraph of it complaining of aggrievances & oppressions, wch (they say) this poor Province has for some time Laboured under, occasioned by the irregular administration of the late Deputy Governour, (they have thought fitt to add these words,) Who was too much influenced by evil Council, to whom the Miseries & Confusion of the State & Divisions in this Governmt. are principally owing:

It was long (may it please the Governour,) before we could Induce ourselves to believe that men so well acquainted with the Characters of most of us in our several stations in y^{e} Countrey, Could possibly intend us by y^{e} Charge, until by the observations of others we were forced to take a nearer notice of y^{e} Expression, upon wch we are Sorry to find y^{t} the word *Council*, as there used, Together with the general Construction of the Sentence, seems not to admitt of any other Interpretation, but to us principally is owing whatever the assembly has thought fitt to complain of, or can Reduce under the General Terms they have used; if they will disavow any such Intention, we shall Crave no other satisfaction; but if not, we must then desire that they and all men concerned in those affairs may know.

That Notwithstanding the Proprietary & late Lt. Govr., according to the established rules in all Govmts. whatsoever, from the most polite to the most Barbarous nations in the world, finding themselves under a necessity of having a Council about them to advise with in affairs of Governmt., have thought fitt to Choose us for that service, in which according to the best of our Judgment & abilities; Yet not one of us receives or Ever did Expect any other advantage by it than the satisfacon of having Discharged our Dutys to the Country We Live in, & to advance the Prosperity & happiness of it as much as Lye in our Power. We have no salaries or allowance paid us by the Countys for this, nor offices of Profit to Encourage us; What we do is at our own Expence of Time, Trouble & Charge, & upon our own Estates is all our Dependence, which giving us as good an Interest in the Country as others Can pretend to, And being out of the reach of any Possible Views Different from the good of the whole, no man, without a manifest Violence to his reason, Can Imagine but that we are as much concerned, and therefore would be as Carefull to prevent & Divert any Miseries, Confusion & Divisions that may threaten the Province, as any other Sett of men whatsoever, so that this Charge from the Assembly, if Levelled against us, is not only Unjust, but will be judged, we believe, Exceedingly ungrateful by all that Impartially Consider us & our Circumstances amongst our Neighbours.

After this general accusation, Involving us in all things that have been Irregularly committed, or that any person can think so to have been, they Enumerate from Particulars wch they call aggrievances. To the first two we have nothing to say, and we hope no man Can believe any that any one of us was so much as privy to them, much less that we advised them; we here Solemnly Declare Each for himself, that we did not advise the Treasurer to Take his Directions from the Law alone, and without regard to the particular orders of the Assembly to the Contrary, to make his payment In Equal proportions, wch we hope Cannot be counted aggrievance, & in the next to prevent that Greatest of all possible grievances, the want of Publick Justice, of wch by the measures Taken by the Assembly, of that time the Countrey was Long Deprived; We advised the Govr. to make use of the powers with wch he was manifestly Invested to open the Courts again, & to Restore the Course of Justice to the oppressed Countrey, who had long Languished thro' the want of it untill they could be otherwise Established. Men unacquainted with affairs of this kind, & who must take their Informacon from others may be Imposed upon by persons Designs, & believe that to be Irregular which in its self is a most wholesome & necessary Act, but we can wth assurance affirm, that we had full satisfacon from men of the best abilities, that what we advised & Concurred in this matter was regular, Just & Legal. Upon the whole, May it please the Governour, tho' on y^{e} one hand we shall be Exceedingly unwilling to have any misunderstanding wth the Representatives of the people; Well knowing it to be an unhappiness that all reasonable measures should be taken to prevent; Yet on the other, We shall not by any Contrivances be Diverted from Discharging the Trust Reposed in us During our Continuance in this station, wth honour & Justice to the best of our abilities; But from time to time shall offer to the Govr. such advice as we shall Judge most Conducive to the General good of the Province, in the Welfare of wch we are so nearly Concerned in our several private Interests, and in the meantime hope we may Justly Expect to be secured from Callumnies & misrepresentations.

Philad., Ap. 7th, 1709.
With an Exception to w^{t} is said of offices of profit, tho' I hold none as a member of Council: I sign this.
JAMES LOGAN.

Caleb Pusey,
Richard Hill,
Jasper Yeates,
Saml. ffinney,

Willm. Trent,
Edward Shippen,
Saml. Carpenter,
Joseph Growdon.

Which being Read, he promised to send it as he Received it, to the Assembly for their Consideracon.

At a Council held at Philadia., the 16th of April, 1709.

PRESENT:

The Honble. CHARLES GOOKIN, Esquire, Leiut. Govr.

Edwd. Shippen,
Saml. ffinney,
Caleb Pusey,
Joseph Growdon,
James Logan,
Jasper Yeates, Esq'rs.

William Trent,
Richard Hill,
Isaac Norris,
Saml. Preston,
Anthoy. Palmer, Esq'rs.

The Govr. laid before the board an answer to his speech, wch he had reced. from the Assembly, at the same time he DD. them the foregoing address of the Council, which ansr. was read in these words.

May it please the Govr.:

The Copy of the Speech DD. us the 13th Instant, has been Deliberately read, & duly Considered by this House, and though we could have been glad that there had been no occasion for the Late hints we gave thee of some of the oppressions and aggrievances which this Province hath for some time Laboured under, yet the hopes thou hast been pleased to Give us by thy Resolutions of Endeavouring the Peoples Ease and Happiness is very satisfactory to us, for wch in the behalf of ourselves & all the people of this Province, We hereby Return hearty & Thankful acknowledgmts. We are unanimously of opinion with thee, that 'twill be of our great Happiness to follow the Queen's good Example, and that of her Parliament in the administracon at home, 'tis doubtless owing to the Constitution, & heightned by the Excellent Disposition of the Queen, whose Just, mild & gentle Governmt., hath worthily gained her a great & Glorious Reputacon, as well as tender affeccon in the hearts of her subjects. in being as ready to give her Royal assent to good Laws for their Benefit & redress their aggrievances, as the Parlamt. can be to Lay them before her: & if we can be so happy as to take the same methods here, wherein our endeavours shall not be wanting, we doubt not but the Inhabitants will soon be sensible of the good effects of it. We hope this Assembly is wholly clear from animesities to any, & do beseech thee not to be Imposed on by such as may Endeavour to Create hard thoughts in thee towards this House, who are fully Resolved to follow the advice thou hast been pleased to give us, viz: to proceed to the business before us, with that freedom of Temper & unbiassed inclination wch thou hast Recommended; We are sensible that those gross acts of the late Lt. Govr. are not unknown to some in Great Brittain, & though thou hast no Immediate Directions to make Enquiry into them; yet when the Assembly, as the grand Inquisitors of the Province have Informed thee of such horrid abuses & acts of Hostility & Violence, as he has been guilty of against the Queen's Crown & Dignity, in raising men & arms, & firing at the Queen's Peaceable subjects, to the Endangering their Lives instead of Protecting them, which are taken to be acts of a Treasonable nature, we hope notwithstanding the advice thou has had, that thou will be pleased further to Consider whether it be not incumbent on thee to take Cognizance thereof, or at Least Concur in some method that such Evil ministers may not Escape with Impunity, but be brought to punishment suitable to their Demerits, as well as for Example & Terror to others.

The House is somewhat surprized, that the Council of the Province should understand from our mention of the Late Deputy Govr., his being too much Influenced by Evil Counsel, that we design'd the Council in general, or that the miseries & Confusions in the state & Govmt. were principally owing to them, wch we never intended, but on the Contrary believe most of them to be Well wishers to & promoters of the Interest of the Province, & accordingly value & Esteem them, & do hereby Declare, that we designed that Charge against the present Secry., James Logan, with some others not of the Govrs. Council, to whose advice & practice the miserys & Confusions in this Govmt. are Chiefly owing, as we shall be Ready to make appear when thou Gives us an opportunity. In the meantime, it is our Earnest Request and Cordial advice, that thou may not be Influenced by the said James Logan, nor any others, to Create misunderstandings between thee & the Representatives of the People, which we are satisfied has been his subterfuge; but we shall Insist no farther at present, save to Request thee as thy former Assembly Did, thy Predecessors to Remove him from thy Council.

The Treasurers answer is no ways satisfactory to this House, nor have the Council (who are Represented by us) any Right to Order the Disposal of that money, & the Law is plain in the Case as we shall be necessitated to let him know.

And as for the Collectors of the Taxes, if thou please to Consult the Law in that behalf, thou wilt find Directions how the Governour and Council is to proceed against such Offenders, and we Doubt, unless that Law be prosecuted, and new Collector's appointed speedily, the Taxes will remain uncollected to the great Injury of the People in General, as well as of Particular persons, & obstruct the raising of New supplies.

The method of Establishing Courts of Judicature by the Govr. and Council, however approved of by some in Great Brittain, as Grounded on the Proprietary's Power we still object against; That the Bill formerly prepared not being allowed of, or some other proposed wherewth the Assembly might have Concurred, has administred great Cause of Dissatisfaction & Complaint, & especially the want of Regulating & Settling the fees, (wch as now Taken) are very Extravagant. If any Inconveniency's appear In the Draughts now before the Board, we shall readily concur in such alterations as may be necessary for the good of the people, wch we intreat thee to acquaint us with as soon as possible, being Unanimously of opinion, that the present method of holding Courts & Exacting fees is Illegal & arbitrary, & infringements on the Rights of the Queen's free born subjects.

We are given to understand thou hadst Instructions from the Queen, which it was supposed might concern us as the Representatives of the People, but shall at present acquiesce with thy answer on that head, those from the Proprietary are such as allow thee fully to Represent him here as Lt. Governr., without Limitation or Restriction. We desire that authentic Copies of thy Commission & the Queens approbation may be forthwith sent us, in order to our Regular proceeding to the business before us; The making all Due provision for the support of Govmt. and Security of the People, is what we hold to be our Duty, wch we shall always be ready to do as occasion offers so far as Lyes in our Power, & for the Bill thou has been pleased principally to recommend at this time, we are so sensible of the Necessity of it, that we shall make it our first business to Consider of it & prepare it, after wch we hope and Expect a Redress of our Grievances, & thy ready concurrence to such Bills as shall be laid before thee for Establishing the People in their Just Rights, Liberties & Properties, & in so doing thou wilt not only manifest thy self an Instrument of blessing & Praise to this Province, but be confirmed in the Sincere & good opinion & affections of this Assembly, & of all the Good People Represented by us, whose great expectations of thy Justice & kindness Towards them, we Trust thou wilt Effectually answer. N. C. D.

Signed by Order of the House,
DAV'D LLOYD, Speaker.

At a Council held at Philadia., the 20th of April, 1709.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Joseph Growdon, Caleb Pusey, James Logan, Esq'rs.
Richard Hill, Isaac Norris, Samuel Preston, Antny. Palmer. Esq'rs.

The Govr. laid before the board a bill just now Deliv'd him from the Assembly, Intituled an Act against unjust Exactions & Extortions in paymts. of former Contracts, wch because he was obliged immediately to take horse for New Castle, where their Supream Court is to sitt to Morrow, he recommended the Consideration of the said Bill to the Council who are better acquainted with affairs of such a Nature, & Desire them to prepare & give their opinion of it at his Return.

That Council took the said Bill into Consideration & agreed on the following amendmts.

That the Title should be an act of ascertaining the payment of Debts, and for preventing Exactions on Contracts & Bargains made before the first Day of May, 1709.

That all rents Reserved for ever, & Rents held by Lease for 7 years, not yet expired, should be excepted.

That no price should be sett on English money or Gold, ye first being unsafe, & the latter needless.

But a scheme being offered to the Board by a member of it, by which it was proposed that one great point necessary to be provided for in the Regulation now in hand, viz: the Lowering of Commodities equally with the fall of money, should be universally introduced in all sales whatsoever; the said member was ordered to draw up the same in form, & have it ready against the next meeting of the Council at the Govrs. Return, & then adjourned.

At a Council held at Philadia., ye 25th of April, 1709.

PRESENT:

The same as before.

The scheme ordered to be prepared at the last sitting of the Board was read, and approved of, & ordered to be carried to the Assembly in the morning, by Saml. Carpenter, & Saml. Preston.

A message from the House, desiring the Govrs. answer to the Bill they had presented on the 20th Instant: Promised in ye morning.

Ordered, that the objections made to the Bill, should be drawn up by the Secry. to be sent with the scheme in the morning, wch. was done as follows:

Observations on the Bill against unjust Exactions, &c., proposed by the Assembly to the Govr., with objections.

The Title ought to be in terms more directly & Expressly answering the design.

The Bill itself seems to have regard to nothing but the Ease of Debtrs. in discharging their Contracts made before the first Day of May, and is very well Drawn to answer that purpose; But as the Govr. proposed to the Assembly to make such provision in this Case, as that neither the Debtr. on the one hand, nor the Creditor on the other, should be sufferers by the alteration, yet no such provision for the Credr. is made by the Bill; Tis therefore thought absolutely necessary to find some method to make one hundd. ounces of silver as valuable to yᵉ Receiver after the 1st of May, as it was before, without which the Credr. must Certainly suffer in proportion to the Difference. To obviate this, a method has been proposed & approved by the Govr. & Council; & for greater ease 'tis in part thrown into the form of a Bill sent herewith, but may require to be further Considered & Digested.

In this scheme it was thought necessary to enlarge the Preambles, those being the best Expositions of the Design of an act, and seeing it will be necessary to cause this act when passed, to be printed & scattered amongst all sorts of People, as well those of the meanest as the best Capacities, it was thought necessary to use such Language in these Preamblies as would render the act most plain & Easy to be understood.

The proposal in the 2d part, (viz: that all Bargains should be made in the old Currency, but be paid in the new, by abating one fourth part of the sum, such an abatement being Exactly proportionable to the fall in the Denomination of money, tis probable may appear somewhat strange at first view, yet when Closely weighed & Considered, 'tis presumed that it will be found at least a very good Expedient towd's. obtaining an end that's absolutely necessary; for without some effectual way to Lower the prices of Commodities, it would be Injustice to assent to the first part of the Bill.

There are great objections made against the alterations in Rents, especially in those reserved for ever, for which Reason in the Draught now sent they're excepted. The Govr. can by no means think it safe to touch with or mention any English Coin in the act, and to make so great a Disproportion between the values of Gold & Silver above their Intrinsick worth, would shew us Resolved to be unreasonable or irregular in whatever is left in our Power.

If any thing proposed be not agreed to, The Assembly is desired without Loss of time to discourse it by proper Conferences, and yᵉ said objections were sent as ordered. Adjourned till morning.

At a Council held at Philadia., the 27th of April, 1709, at J. Growdons.

PRESENT:

The same as before, with Capt. Roche added.

The Govr. acquainted the Board, that the Assembly, according to the proposal made to them in the last message from this Board, desired a Conference upon the subject matter in hand, & that he had accordingly appointed this morning for it.

The House of Representatives attended and being seated, the Govr. opened the Conference by desiring that such parts of the scheme offered to them which they could not comply with, as they appeared by their marginal notes upon the said scheme, wch they had yesterday presented to him, might be freely Debated between the members of Council & the Assembly.

The Speaker & Jos. Wilcox managed the Conference in behalf of the Assembly, and a considerable time being spent in the Debating, whether it was reasonable that money hereafter should pass for the Discharge of former Contracts at the same rates it had heretofore done, unless due Provision were made far lowering the prices of Commodities to be bought or sold in proportion to the fall in the denomination of money; the Debate was adjourned till three in the afternoon, at which time the Council was appointed to meet the Assembly in the same place where the Assembly usually sitts, being the most Convenient that at present can be found, & there Endeavour to conclude upon what is most reasonable, in order to have the Bill past before this month expires.

POST MERIDIEM, hora 3ia., Iidem qui antea.

The Council according to appointment mett the Assembly & debated all the matters in Difference for several Hours, but not coming to a perfect agreement, It was resolved between both, that a Committee should be appointed of the Council & another of the Assembly, to Draw the Bill in such terms as might on the one hand, answer the Design of Lowering the prices of Commodities proportionably to the fall in the Denomination of money, & on the other should not interfere with any part of the act of parliament, and for this purpose Judge Growdon, Rd. Hill & the Secry. were nominated in behalf of the Council, and Joseph Wilcox, Abraham Bickley, & Jno. Cook, in behalf of the Assembly. And the Conference ended.

At a Council held at Philadia., the 29th of April, 1709.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Lt. Govr.

Edwd. Shippen,
Joseph Growdon,
Saml. Carpenter,
Caleb Pusey,
James Logan.
} Esq'rs.

Richard Hill,
Isaac Norris,
Samuel Preston,
Antny. Palmer.
} Esq'rs.

The Govr. laid before the board the Bill as he had this day reced it from the House, wch was again read, but it appeared that they had not Comply'd with those alterations which had been so much urged & pressed on them, & which the members of the Committee, wch according to appointment of ye 27th Inst., had yesterday sat upon it, declared to have been agreed to by the Committee of the Assembly.

The whole bill was from the beginning largely debated again, & it was largely argued at the board, whether seeing the Assembly had not agreed to such reasonable proposals as had been made to them, it would be convenient or adviseable to pass the Bill at all, & whether the passing such a bill would be safe to the Govr. on any terms at all; But after very long debates, it was at length Resolved, that the Bill should pass with Certain amendments, which were as follows:

After Bargains and Contracts add, (made in this Province,) ffees settled by Law hereafter accruing, if paid in the old Currency, would incur the forfeitures of the act of Parliament, therefore add fees due before ye 1st of May.

Lion Dollars ought not to pass hereafter at 6 sh. for ye payment of old Contracts, because the Receiver, according to the act of Parliament, would lose more by them than by Spanish money, which would be unreasonable.

Imprisonmt. to be left out of the penalty.

A provision for Lowering the prices of wages, fees & Commodities in general, to be added as 'tis herewith sent.

Caleb Pusey & the Secry. were ordered to carry these amendments to the House early in the morning, & to explain the reasons that induced the Council to make them, & to press the House forthwith to Comply with them as they tender'd the passing of the Bill; and then adjourned.

At a Council held at Philadia., the 30th of April, 1709, at J. Growdons.

PRESENT:

The same as yesterday.

The Assembly having in the morning desired, that one small amendment might be made to the Clause sent to them by order of the board this morning, wch was agreed to, waited on the Govr. & presenting the Bill engrossed, the Govr. told them,

That tho' he could not say he was intirely satifyed with the Bill as now drawn, yet he believed the necessities of the Countrey did so absolutely require the passing of it that he should agree to it; he wished that the ministry in England might believe it as reasonable as we Judged it necessary, but was of opinion it would require a good advocate there, wch he desired them to Consider; He hoped it would be a means to prevent many Contentions in the Countrey, which otherwise might arise when once it received the sanction it was to receive from him, wch now accordingly he would give it: & then passed it into a Law.

The Speaker told the Govr. that the Constitution required it should be passed under the great seal, which the Govr. ordered the Secry. immediately to cause to be affixed to it, and then the Govr. and Council Resolved to walk up to the market place to see the British act of Parliament, to which this has relation, as also this act Published together; And accordingly they were this Evening Published.

At a Council held at Philadia., y^e 10th of May, 1709.

PRESENT:

EDWARD SHIPPEN, Presidt.

Joseph Growdon,	Esq'rs.	Richd. Hill,	Esq'rs.
James Logan,		Isaac Norris,	
Willm. Trent,		Saml. Preston.	

Just now a Letter being brought to Town by Express to the Secry. from Capt. ffrench, Sheriff of Newcastle, giving an acct. That a french Privateer had, on the 7th Instant, landed about 60 men at the Whoorkills & miserably Plundered it; Advise of which was brought last night by Hen. Brooke, Esqr., Coll. of the said place to the said Sherif, who immediately Dispatched away this Letter upon it.

Tis Ordered, that an Express be forthwith dispatched after the Govr., who yesterday sett out for New York, to give him an acct. of it, Requesting his return as soon as Conveniently may be, and that he may Endeavour to obtain one of the Queen's Ships attending that Governmt., to cruise our Capes to Clear them of the said Privateer, and the Secry. is ordered to write the said Letter.

The 12th May.

Ordered, by some members of the Council, upon a second Letter from Capt. ffrench, giving an acct. that he had mistook y^e strength of the Privateer in his former letter; that she was no Sloop, but a ship, as he was now informed, of 160 men. That the said Letter be dispatched by a second Express to the Govr., that the Govmt of N. York, being acquainted with her force, may not through the former misinformation, hazard any of the Queen's smaller ships of an unequal force, but send what may be sufficient to repell them.

At a Council held at Philadia., the 14th of May, 1709.

PRESENT:

EDWARD SHIPPEN, Presidt.

Joseph Growdon,	Esq'rs.	Richard Hill,	Esq'rs.
James Logan,		Isaac Norris,	
Willm. Trent.		Saml. Preston.	

The Council having recd. no acct. of the late Descent of the french upon the ye Whoorkills, but by Capt. ffrench's Letters from Newcastle, thought fitt now to meet to consider whether it would not be adviseable to dispatch a messenger down thither, with a Letter directed to the Magistrates, Desiring a particular acct. of the action & their sufferings. As also to desire acct. of them from time to time, of what they observe at sea, remarkable, the messengers of wch should be duly paid here, which was Resolved.

And Ordered, that Robert Bonnil, who has been prevailed with to undertake the Journey, should be immediately dispatched with a Letter, to be drawn & signed for ye aforesaid purpose, by the Secry., which Letter was accordingly drawn, read to the board & approved of, & was immediately sent away.

Ord'd. that the Secry. should in the name of this board Return their thanks to Capt. Jno. ffrench, High Sheriff of the County of N. Castle, for the care he had taken in sending accts. by Express of the late Calamity that befell the Whoorkill, & to desire him for the time to come to Continue the same Care.

At a Council held at Philadia., the 28th of May, 1709.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Lt. Governour.

Edward Shippen,
Joseph Growdon,
Saml. Carpenter,
James Logan,
Jasper Yeates, Esq'rs.

Willm. Trent,
Richd. Hill,
Saml. Preston,
Antny. Palmer. Esq'rs.

The Govr. being yesterday returned from New York, informed the Board that the Intended expedition against Canada, (of which they Doubtless had long before this time heard,) with the measures to be Concerted by the several Govrs. who mett on that occasion at N. York in order to Carry it on, had thus long detained him from Returning hither. That now upon his return he had immediately called them to lay before them what he had reced. relating to that Expedition, and then Commmunicated Her Majesties Letter in these words, all wrote in the Secry. of States own hand.

ANNE R.

Trusty and well beloved, we Greet you well. Whereas, We are fitting out an Expedition with great Expence, for the security of our subjects under your Govmt., from the neighbourhood of the french at Canada, which hath been very troublesome to them of late years, according to certain proposals laid before us by our trusty & well beloved Colonel Vetch, & pursuant to many applications that have been made to us by our subjects, who have suffered very much from the french in that neighbourhood. We do strictly require & Command You to be assisting to this our Expedition, after the manner that the said Coll. Vetch shall propose to you in our name, and that you look upon those parts of his Instructions, which relate to you and the Govmt. under your care, & which we have Ordered him to communicate to you in the same manner as if they were our positive commands, directed to yourself, & that you pay the same obedience to them. And so we bid you farewell. Given at our Court of St. James, the second day of March. 1708-9, in the seventh year of our Reign.

By her Majesty's Command,

SUNDERLAND.

Directed,

To our Trusty & well beloved, the Governr., Lieut. Govr. or Commander in Chief, for the time being of our Province of Pennsylvania. in America. Under the privy seal, flying.

The Govr. also laid before the board a Copy of her Majesty's Instructions to Coll. Vetch, dated the 28th of ffebry., signed by the Queen, attested under the said Colls. own hand, by wch Instructions this Province is required to raise one hundred & fifty men, to be joyned to 800 from N. York, including the four Regular Companies, 350 from Connetticut, & 200 from Jersey, making in the whole 1500 men, to be divided into four Battalions, each Battalion to have one of the four Regular Companies mixed or Incorporated in it, to be Commanded by the Capt., (as Coll.,) whose Company is so Incorporated in it, and under him by the respective officers. That the Quota of N. York Govmt. be ready at Albany, by the middle of May, that all the troops be furnished wth arms from the magazine at N. York, that three months Provisions be gott ready, to be transported & Lodged at Wood Creek or elsewhere; for the security of wch he shall in Conjunction with the Govmt. of Connetticut & Pennsylvania, cause to be built a large wooden Store House, as also six or more large boats, that will carry 60 men each, for the transportation of their heavier stores by water, & also Contract with the five nations to make with all speed as many Canoes as will be wanted for this Expedition.

That y^e said Govr. of N. York shall engage the 5 nations, & River Indians to joyn with all their fighting men, and promise them a good reward, & all fitting encouragement to all Gentlemen & others, who shall offer themselves to go as Volunteers in this service.

That y^e Govr. of Conetticut, & y^e Govr. of Pennsylvia., to whom Coll. Vetch is ord'd. to deliver Her Majesties' Letters, shall have their Quotas ready by the middle of May at farthest; & that the Govr. of New York is ordered to assist them, with what arms & ammunition they shall want; That the Govrs. of N. England & Road Island be strictly commanded to raise at least 1200 of their best men, & give all fitting encouragement to others who shall go Volunteers, & to have in readiness a sufficient number of Transports, with 3 months' Provisions, to be ready by the middle of May, upon the arrival of the fleet from England, & that for their greater Encouragement, arms & ammunition are now sent.

That Coll. Vetch, with the Concurrence of the Govr. of N. England, shall contract with ship Carpenters, for building ten or more flatt bottom'd boats, to carry 60 men each, for landing of Troops, & with proper persons to furnish 8 months' provisions, to be left at Quebec & Montreal, in case the forces have success.

And to Engage the several Govmts. to act with the utmost spirit and vigour, they are assured in her Majesty's name, that such of the Govmts. as shall Contribute to the Reduction of Canada, shall have a preference both with regard to the soil and trade of the Countrey, when reduced to any other of her Majesty's subjects; And that Her Majesty shall not be wanting to give the Royal sanction to any reasonable Proposals to be made by them, for securing to their respective Colonies y^e said Benefit.

That Coll. Nicholson, who has offered himself a Volunteer in this Expedition, be admitted into the private consultations, & if any further preparation be necessary, not mentioned in these Instructions, that Coll. Vetch, with the Concurrence of the respective Govrs., & Coll. Nicholson make any such preparation, provided it be found by them to be absolutely necessary; Which Instructions were undersigned A. R., & by the Lord Sunderland as Secry. of State.

The Govr. also laid before the board divers other Papers which he had brought from New York, relating to this affair, Particularly a printed Proclamation issued by Coll. Vetch & Coll. Nicholson, for encourageing men to list in the service, also acct. of what they had already done at Boston & N. York; an acct. of Canada, by Montour, a french Indian Refugee, & some others. Upon all which y^e Govr. desired the board to Consider what methods might be most effectual to put those her Majesties' Commands in Execution, it being a matter of greater Difficulty in this Province, than in most others concerned in it; Yet of such absolute necessity, that no measures must be left unessayed, that may in any wise Conduce to the end to which the Board unanimously agreed; But because nothing could possibly be done in it without the Concurrence of the Assembly, who by their last adjournment are to meet on the first of next mo., the consideration of the whole is referr'd to that time, Only at present it is thought fitt to order, & accordingly.

'Tis Ordered that a general Embargo be laid upon all ships & Vessels in the ports of this Govmt., and therefore, that the Collrs. of her Majesty's Customs, Naval & other officers in the several Ports, shall not in their respective Offices clear any vessel outward bound to sea, till such time as further orders shall be given by this Board herein.

Ordered, that the Mayor of the city Philadia. forthwith Solemnly Publish the printed Proclamation, issued by Coll. ffra. Nicholson & Coll. Saml. Vetch, & Countersigned by the Lt. Govr. of this Province, in the most Public place of the City according the usual form, and that the same be also published in the other Counties of this Govmt.

The Govr. laid before the board a Letter which he had reced. from Newcastle, signed by the Sherif, & the principal of the Inhabtants, addressing the Govr. to represent to the Gentlemen of Philadia. the necessity & advantage of defending New Castle for yᵉ security of this place; & therefore requesting him to procure them, to furnish them below, with such stores of ammunition as may either prove requisite for the Defence of the place, or putt the People in a Capacity of giving the Enemy such Diversion as may prove Beneficial, both to those above & below, requesting also that the Govr. would forthwith issue all necessary military Commissions.

Resolved, that this Letter may be also referred to the Assembly when they meet.

At a Council held at Philadia., the 2d day of June, 1709.

PRESENT :

Yᵉ Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Edward Shippen,		William Trent,	
Joseph Growdon,		Richard Hill,	
Samuel Carpenter,	Esq'rs.	George Roche,	Esq'rs.
Samuel ffinney,		Isaac Norris,	
James Logan,		Antny. Palmer.	

The Secry. was sent to the House of Representatives, who mett not before this day, to require their attendance immediately, & being come, the Govr. spoke to them as follows.

GENTLEMEN :

The Queen, for the good of her subjects of these Northern Provinces, has fitted out an Expedition with great Expence for the Retaking Newfoundland, and for the Conquest of Canada, and has intrusted Coll. Vetch with her Majesty's Letters & Instructions to the Respective Govrnrs. to agree on proper measures for the putting her Majesty's Designs in Execution, Boston, Rhode Island and Conetticut have outdone Her Majesty's Expectation, & I hope you will not be wanting in your Duty.

The Quota for this Province is 150 men besides officers, who must be Victualled & paid as others are; the Charge, I believe, will amount to about £4000. perhaps it may seem Difficult to Raise such a number of men in a Countrey where most of the Inhabitants are of such principles as will not allow them the use of arms; but if you will raise the sum for the support of Governmt. I dont doubt getting the number of men Desired, whose principles allow the use of ym., and Commandrs. may be appointed so to manage this affair that the Countrey may be satisfied, their money is not applied to any other End than this Expedicon. I must Desire you also to Consider the present Circumstances of the three Lower Counties; You are not now falsely allarmed; I find them Ready & Willing to Defend the Countrey, for they look on themselves as a frontier, to you tho' a weak one, and if they perish your Destruction in all probability will not be far of; Therefore, in my opinion, it is your Interest they be furnished with all things necessary to oppose the Enemy.

I have only to add, that as all private affairs ought to be postponed to her Majesty's immediate service, So it will not Consist with my Duty to hearken to any proposals, or Enter on any business with you till her Majesty's Commands are Complied with, and therefore I desire you will give this affair all possible Dispatch.

At a Council held at Philadia., y^e 6th of June, 1709.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lt. Governour.

Edwd. Shippen, Jos. Growdon, Saml. Carpenter, Caleb Pusey,	Esq'rs.	James Logan, Richd. Hill, Isaac Norris, Samuel Preston.	Esq'rs.

The Govr. having on the 7th of May last rec'd. divers papers from Assembly, which (because of his Journey to N. York undertaken immediately after, and the Queens Letter, with orders for the Expedition to Canada, which arrived since that time,) had never yet been read at the Board; he ordered them to be now read, wch was done accordingly.

The Assemblies address to the Govr., in answer to y^e Councils application to him, mentioned in his late Speech to this House.

Presented to the Govr. y^e 7th day of May, 1709.

May it please the Governr.:

The matter of Charge mentioned in our address of the ninth of last month, which some with so much art, have Endeavour'd to Draw upon the Council in general, Contrary to the Import of our words, being by our answer of the 15th of last month placed as at first Intended; there is nothing Remains but to shew how those members of Council have been Imposed upon, who have been prevailed with to Joyn in that misrepresentation, wherein they are made to suppose, that we in a generall accusation, involved them in all things that had been irregularly Committed, (or that any person can think so to have been.)

We have already shewed them how far we extended that which is called a General accusation, so that we hope the Council are satisfied that we never Intended to Involve them in all the Irregularities of the late Deputy Governours administration, or in all things that any person can think to have been Irregularly Committed by him, as is falsely Insinuated, for we really think that many of the Irregularities which he fell into, not only during the time he seemed to be under the Secry's strictest Directions, but after he shook of that Yoak and acted more like a free agent, are in no wise Chargeable Either upon the Council in General, or upon the Secretary in particular. 'Tis readily acknowledged, the circumstances of the members of Council are such as should leave no Suspition of their care to have prevented or Diverted the miseries and Confusion, which were brought upon the Govmt. under the late administracon, but rather engage them to bring the authors & causes thereof to Justice, and Earnestly seek redress of the publick Grievances of the Province, some of which have been Complained of by several of them as well as us. Therefore, it is the more unaccountable how they could be prevailed on to declare to the Governour, that they have nothing to say to those two Particulars mentioned in our address, viz: one about the late Governours shooting at the Queen's peaceable subjects in the time of the false alarm, & wasting the ammunition that then was in town, and the other about his hostility against the Queen's subjects passing by N. Castle. We do not think that the Council advised those things, but we are Credibly informed, that the Secry. was so far privy to the allarm that he might have prevented much of the Terror & Damage which Ensued thereon, had he Discovered what he knew of that Intreague to the magistrates of the Town, & Assisted them to putt a stop thereunto, as the Duty of his office and station in this Governmt. Required. As to the first of those two particulars wherein the Council acknowledge themselves concerned, viz: in advising the Treasurer to take his Directions from the Law alone, we never accounted it a grievance, but Complained because he Refused to Comply with the Directions and Orders of the Assembly, warranted by the Law that made him Treasurer, & Directs him to pay the Publick Debts allowed by vote of the House of Representatives, upon warrants under the speakers hand, so that the Council being in this Case but as a sett of private men, had no room by that Law to obtrude their advice, Much less to Encourage the Treasurer to Disregard the Legislative authority Lodged in the Assembly, & Treat the Orders of their Representatives with so much Undecency as they are made to Do. Nor are they to be Justifyed in that they have opposed the late Assembly in those points, whereupon the then Governour seemed to Ground his Refusal to pass the Bill of Courts, and at the same time assented to his Ordinance, framed for the most part in the language of that bill, Omitting only what should have shewed it to be a transcript of a Regular Establishment, and Leaving room Enough, thro' the absurdities of their piece meal Draught to cast an odium upon the Bill, & involve the Assembly in all the Ill consequences of the Ordinance.

May it please the Govr., we find that the late Assembly, wth very much care and application prepared the bill of Courts, & Complyed with the then Govr. in all his proposals of amendments, save only some few which have a tendency to leave the people open to those oppressions & abuses which were Complained of, and would have been Remedied by the Bill, so that the want of Publick Justice, wch the Council Call the greatest of all grievances possible has Lain at the Late Govrs. Door, and we think his Council were Exceedingly to blame, if they thought as they now say, he was unquestionably Vested with power to open the Courts again; that they had not prevailed with him so to Do, rather than Leave the Countrey so long to Languish, thro' the want of Restoring the Courts of Justice; We are heartily sorry, that the Council were prevailed upon so far to Gratify the Enemy of the Publick weal of the Province as to patronize that address, which Discovered such an apparent Design, as well to possess the Govr. with an ill opinion of the Assembly as to Create more Divisions and animosities in the Govmt., and Engage the Council and their Representatives in an unhappy Controversy, whilst they should apply their Endeavours to Redress the Grievances of the People.

We could, may it please the Governr., make further animadversions on that address, as it seems an Indignity offered to this as well as the late Assemblies; but having a due Regard to the Publick business before us, which we prefer to all other Considerations, shall Content ourselves with the short hints we have Expressed for y^e^ Clearing our own and Predecessors honest and Cordial Intentions from the abuses and Calumnies Endeavoured to be Cast upon us, and shall no farther trouble the Govr. on this acct. unless new business be given.

Signed by ordr. of the House, N. C. D.

DAVID LLOYD. Speaker.

To Charles Gookin, Esqr., Lieut. Govr. of the Province of Pennsylvania; the Remonstrance of the Representatives of the freemen, &c., of y^e^ sd. Province, in Assembly mett.

May it please the Govr.:

Though we expected our business next, after passing the act. would have been to Enter upon the considerations of such objections, as from thy late speech we might reasonably suppose you had to offer against the bill of Courts, which with the other bill formerly prepared, have been read and Recommended to thee by this House; Yet finding ourselves Deprived at present of that Expectation by thy absence, which we must suppose to have been occasioned by great and urgent business, or that the Weighty affairs of the Publick at this Juncture, when the Legislative authority were attending thy pleasure, would have been preferred to any private, or matters of Lesser moment; We thought it our Duty, and accordingly took this opportunity to Enter upon the Consideration of some of the Grievances which the Inhabitants of this Province Lye under, which after a full and free Debate in this House, is agreed only by the following Resolves, nemine Contra Dicente, wch. we think ourselves obliged in all humility, to Lay before thee, Requesting thy Concurrence in Removing and Redressing the same as far as in thee Lyes.

1st. Resolved, that whereas the greatest part of the antient and most substantial Inhabitants being such as Conscientiously scruple to take oaths, Its the opinion of this House that it is a very great Grievance to the Publick, as well as an abuse to the sd. Inhabitants, that they are omitted to be Empannelled to serve upon Inquests, as they have of late been, Especially in the County of Philadia., because they cannot take an oath, an such as can swear are generally Returned, tho' some of them are aliens, others no freeholders, and many of them want other necessary qualifications which the Law makes as essential as swearing, to Render them Capable to pass upon Tryals, where the Lives, and Liberties, & Estates of the Queen's subjects are Concerned.

2d. Resolved, that inasmuch as it is generally known that the Proprietor about the year 1690, did mortgage the Province to Philip fford and his heirs, whereby Titles derived from the said Proprietary since that time are very precarious, and the People Render'd unsafe in paying their Quitt rents; therefore it is the opinion of this House that it is a very great neglect that the people in general have not a Certain knowledge whither the said mortgage is Discharged, and how far they are secured from the Inconveniency which attend their Estates by Reason of that Incumbrance.

3d. Resolved, that it is the opinion of this House that the Granting of Pardons to Criminals, & Entering of Noli prosequi, as hath been used by the late Lt. Governour without ye Consent or application of the magistrates before whom such Criminals have been, or were to be Tryed, is of Evil Tendency and a Grievance to the Publick, and Eludes the Intent of Divers good Laws, to the Great encouragement of vice.

4th. Resolved, that it is the opinion of this House that the Proprietary or his Deputy Granting Lycenses to marry, is not Incident to any authority Granting them by the Royal Charter, nor warranted thereby, nor by any power that we understand they have; but the Granting of such Lycenses is Contrary to Law, & of an Evil Tendency, whereof many Instances may be given, particularly that of Israel Taylor, whose Daughter had like to have been stolen by Coullour of a Lycense lately granted to one James Barber, of Chester County, in this Province.

5th. Resolved, that in as much as complaint hath been made to this Assembly, that Robert Assheton, of Philadia., hold and exercises several offices in this town. viz: Town Clerk of the City of Philadia., Clerk of the Peace for the County, Prothonotary of the Court of Common pleas, and prothonotary of the supreme Court, &c.; it is the opinion of this house that the said Offices ought to be Executed by several persons, for it is not Consistent with Law that they should be left under the managemt. of any one person, the Reasons are manifest from the nature, & Different Trust of each office.

6th. Resolved, that in as much as its made appear upon Complaint of Sundry Inhabitants of the County of Bucks, that the magistrates and Grand Jury of that County have laid a Tax upon the

People without calling the assessors to their assistance, as the Law in this Province in that Case Directs, and appropriated part of it to the use of the poor, Contrary to the Express directions of another Law of this Province ; it is the opinion of this House that the above mentioned proceedings of the Justices and grand Jury, are against the Rights of the subjects, and a subversion of the Laws.

7th. Resolved, that it is the opinion of this House that the Justices concerned in Laying y^{e} sd. Taxes, or in ordering money to be raised upon the Queen's subjects as aforesaid, ought to be removed from their Respective offices, & a speedy stop put to their proceedings in the Premises.

8th. Resolved, that in as much as it's made appear upon complaint & affadavit upon one David Bollard, now, or late of the said County of Bucks, that about two years ago he being brought before Joseph Kirkbright, one of the Justices of that County, to answer the complaint of one James Almond, for a Debt under forty shill'g., wch the said Justice Kirkbright, then Determined, & Exacted from y^{e} said David the summ of three shillings & sixpence, for giving judgment thereon, wch the said David paid over and above the constables fees and Charge of the warrant before he was discharged ; and further, the said Complaint affirmed that the said Justice Kirkbright did, at the same time and for the like Judgment, Exact and take of one Jasper Terry, of the said County, the like sum of 3–6, which the said Terry paid over & above the Charge of the warrrant & Execucon ; and moreover it is Complained by James Almond of the said county; that he being brought before Thomas Stevenson, another of the Justices of the said County of Bucks, to answer the Complaint of Edward Lovett, for a debt of Twelve shillings, & the Complaint of Jno. Heady, for a Debt of Twenty Shillings, the said Justice gave Judgmt. against the said Almond, upon both the said Complaints, & Exacted Two shillings & sixpence for each Judgment, which the Complainant paid over & above the Constables fees & Charge of the Warrants; it is the opinion of this House, that the Two Justices, Kirkbright & Stevenson, ought to be removed from their offices, and that Order be given to the attorney General, forthwith to prosecute them for Extortion.

9th. Resolved, that it being made appear to this House upon the Complaint of several Representatives, for the City and County of Philadia., that the magistrates of the said County have refused to allow the Complainants to Discount the County Rates towards their wages, as the Law of this province in such cases directs, and that some of the said Magistrates have given Express orders for the Collectors to Distrain upon the said Complainants, who are Creditors to the County much more than their Rates amount to; it is the opinion of this House that the Proceedings of the said magistrates in that case are Illegal & arbitrary, and against the Rights & Privileges of Assembly.

10th. May it please the Govr., there was this day laid before the

House a Complaint of many of the Inhabitants of this City and County against one Thomas Mac Nemara, an attorney at Law, for several abuses and misbehaviours, which he is charged with, but in as much as the nature and Consequence of the Charge is so well set forth in the said Complaint, We presume to lay a true Copy thereof before the Governour, Earnestly Desiring such Relief therein, and all other the premises as to justice appertains.

Signed by Order of y^e House N. C. D.

DAV'D. LLOYD, Speaker.

To the House of Representatives for the Province of Pennsylvania, now in Assembly Convened.

The Remonstrance of the freeholders & Inhabitants of the City and County of Philad.a.

Whereas our most Gracious Queen, out of her tender regard to Persons who, for Conscience sake scruple the Taking of an oath, particularly to the people Inhabiting in this her Province, the Inhabitants and settlers whereof are generally of the People called Quakers; by her Order in Council held at St. James's, the Twenty first day of the month Called January, 1702, was pleased to allow, that the affirmacon (according to the Law of England,) to Quakers might be in Lieu of and of the same Validity with the Oath Enjoyned by Law to others, who scruple not the Taking of an oath; and whereas, at the Supream Court held at Philadia., the Eleventh day of April Last, one Thomas Mac Nemara, the said most Gracious Order Designing to Villifye, and her Royal Power & Prerogative in Contempt to bring, and the benefit thereof to the Queen's Peacible & Loyal Subjects of this Province Intending to Deprive, and as useless to Render openly and Publicly in the said Court, did say and Declare, that it was inconsistent with the Queen to Grant such an Order, & that it was against Law, with other Expressions In Derogating of the said most gracious order; Wherefore we, the said subscribers, Humbly pray the present house of Representatives to Lay the premises before our honorable Govr., Requesting him to give command, that the said Mac Nemara, for the offence aforesaid, and others his Insolency's Contempts and abuses openly and Scandalously Committed in the City sessions, in the face of the Court and Countrey, as by an address or Representation of the same by the Grand Jury presented fully is Demonstrated, may not have Liberty to practise as an attorney at Law in any of the Courts of this Province.

This is a True Copy of the original, Signed by Eighty persons. May y^e 7th, 1709.

Per DAVID LLOYD. Speaker.

All which were referred to be further Considered by the board, as there shall be occasion; But Jos. Kirkbright & Thos. Stevenson of the County of Bucks, the two Justices of the said County mentioned in the eight article of the foregoing Remonstrance, having requested the Govr. and Council, on whom they were now attending, that they might be heard at this Board, (which they never had been by the House,) to speak to those heads with which they were charged by the Assembly; They were hereupon called to appear, and the 6th, 7th & 8th articles of the said Remonstrance being read to them; to the two first, Complaining of the Justices taxing the County Contrary to Law; they in behalf of themselves and the rest concerned therein, gave a full acct. of that matter, shewing as well that they were under a necessity, without further delay, to raise a Tax for building a Court house and Prison, as that their proceedings herein were according to the Laws of this Province, wch were read as far they concerned the matter in hand; and by these it evidently appeared, that the assessors of that County having refused to act, because not duly returned by the Sheriff according to Law, for which neglect the late Sherif had lost his office, the magistrates and the Grand Jury had full power, and therefore in this respect, as far as appears, had acted legally and warrantably in laying the said Tax; It is therefore the opinion of this board, that there appears no sufficient cause for the aforesaid Complaint of the Assembly, agst. the sd. Justices & Grand Jury.

The said two Justices were further required to answer to the Complaints brought against them, for taking illegal fees upon Judgments given by them, as expressed in the 8th article, to which Jos. Kirkbright pleaded that it was false to say he had taken the mentioned fees, from both Bollard and Terry, for that from the latter he never reced. any thing on acct.; that from the first he had taken the mentioned sum of 3 shills. & 6 pence, but that this was not for giving Judgment only, but also for attesting two Evidences, drawing an obligatory Bill and genl. acquittances at their Request, as he proved by a Deposition made by the Constable, who brought them before him; that the fee they sometimes, tho' but rarely, took for giving Judgment, was but fifteen pence, which they scarce ever demanded of any but vexatious & litigious persons, as this man was well known to be; that this was by Virtue of a Rule of Court, made after the Example of the Mayors Court of Philadia., by the approbation & Concurrence of the attorney Genl., who was present at making the said rule, which Rule was their Direction in this case, and he hoped would be sufficient to Justify those who acted by it, or if it should prove otherwise, that the Error was primarily in the Rule, and not in those who had acted in pursuance of it. Thos. Stevenson in his own case pleaded the same, and further produced a Confession under the hand of Almond, the Complainant himself, in writing, acknowledging he was mistaken in the paper, wch Saml. Beaks had procured him to sign, for that the said Justice Stevenson had as well attested two Evidences, as give Judgment in his case for the 2 sh. & 6d., wch he had taken.

And the said Justices withdrawing the matter was considered, and upon the whole it was the opinion of the Board that the Complaint made to the Assembly, seem'd rather to arise from prejudice, grounded on other causes, than from any real Grievances. fitt to be taken notice of in such a manner; that those who take upon them the trouble of serving the countrey in such public stations, wthout any Reward, ought to be encouraged, and all frivolous & ill grounded Complaints be discountenanced by all concerned in Govmt., otherwise none would be prevailed with to undergo so great a fatigue, without any Recompence.

Whereupon the said Justices being again called to the Board, the Govr. Recommended to ym. the vigorous Discharge of their Duty in their stations; He Exhorted them to exert the Powers with which they were invested according as the Laws prescribe, without regard to any trifling opposers. He assured them of his Protection, while they so behaved themselves; promised them a new Commission, and then they were dismissed.

The Secry. informed the Board that in pursuance of the Ordr. of last Council, he had wrote to assure the Indians that they should receive a message from the Govr. in answer to theirs, this present week, that he had deferred moving in it that it might be first known what the Assembly would do in the business laid before ym.; But now y^e^ shortness of the time required Dispatch.

Ordered, that Caleb Pusey & the Secry. go to the House in the morning, and acquaint them with the necessity of y^e^ message, & desire them to concur wth the Board, in ordering the payment of the Charge by the Treasurer.

7th, in the morning.

All the eight members of Council named at the head of the last minute, being those of the Council called Quakers, mett a Considerable part of the Assembly at Saml. Carpenters House, & there debated their opinions freely & unanimously to those of the House, that notwithstanding their profession and principles would not by any means allow them to bear arms; yet it was their duty to support the Govmt. of their Sovereign the Queen, & to Contribute out of their Estates according to the Exigencies of her Publick affairs, & therefore that they might and ought to present the Queen with a proper sum of money.

At a Council held at Philadia., y^e^ 8th of June, 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Lieut. Govr.

Edwd. Shippen, Saml. Carpenter, Caleb Pusey, James Logan,	Esq'rs.	Willm. Trent, Richd. Hill, Isaac Norris, Saml. Preston.	Esq'rs.

The Govr. laid before the Board an address he recd. from the Assembly, wch was read in these words.

To Charles Gookin, Esqr., Lt. Govr. of the Province of Pennsylvania.

The address of the Representatives of the freemen of the said Province, presented to the Govr. the 8th day of y^e^ month Called June, 1709.

May it please the Govr. :

Thy speech of the 2d Inst., containing matters of so great Importance, & affecting the Generality of this Province in their Religious Perswasions, We thought it our Duty to Confer with some of the most Principal of them, which has occasioned our answer to be thus long retarded.

We are very sensible that our Gracious Sovereign the Queen, has been at a vast Expence upon the Designs which the Govr. is pleased to mention, & were it not that the raising money to hire men to fight or kill one another, is matter of Concience to us and against our Religious Principles, we should not be wanting, according to our small abilities, to Contribute to those designs.

We don't conceive our selves more Lyable to danger, by the ill neighbourhood of the french at Canada, than our neighbours of Maryland, Virginia, and the three Lower Counties, which makes us apprehensive that some disaffected to this Province have misrepresented us to the Queen, whose Tenderness to us, and our principles & readiness to render Her subjects of all Perswasions easy and happy, engages us to pray for the long Continuance of her Glorious Reign & administracon over us.

May it please the Govr., tho' we Cannot for Conscience sake Comply with the furnishing a supply for such a defence as thou proposest, yet in point of Gratitude of the Queen for her great and many favours to us, we have Resolved to raise a Present of five Hundred pounds, which we humbly hope She will be pleased to accept as a Testimony of our unfeigned Loyalty, & thankful acknowledgements of Her Grace and Clemency towards us & the rest of Her subjects, and tho' the meanness of the present be such as is unworthy favour of her acceptance, (which indeed is caused) not thro' want of good will & Loyal affection, but by inability & Poverty occasioned by great losses, late Taxes misapplyed, Lowness of the staple Commodities of the Country, great Damp upon trade and our neighbours non Complyance with the Queen's proclamation for reducing the coin.) yet we hope she will be graciously pleased to Regard the Hearty and Cordial affections of us her poor subjects instead of a present of value, and to prevent misapplication thereof, We have agreed that it shall be accounted part of the Queen's Revenue.

We therefore humbly intreat the Govr. to put a Candid Construction upon our proceedings, & Represent us favourably to her Gracious Sovereign the Queen, to whom we Trust we shall ever approve ourselves, (tho' poor) Her most Loyal & Dutiful subjects.

We are sorry New Castle should be in such danger as thy speech intimates; But are very apprehensive that, that if the vice adml. were more Diligent, in obliging the men of war allowed by the Queen for that purpose to scour the coasts of those Robbers, both they at New Castle, and those here who depend on such protection would be better satisfied, and did not a Complyance with their Request fall under the same objection as thy other proposal, we should next to that give it the preference, and have Complied to the utmost with their Expectation.

Signed by Ordr, of y^{e} House,
DAV'D. LLOYD, Speaker.

The Govr. also informed the Board, he had with the foregoing address reced. an order on the Treasurer, to pay the Secry. any sum not exceeding fifteen pounds of present Currency, for y^{e} Charge of a Treaty with the Indians, upon an order of the Govr. and Council for the same, wch was given the Treasurer.

Ordered, that an answer be drawn up to the foregoing address according to several heads now agreed on.

Ordered, that the Secry. forthwith dispatch a messenger to the Indians of Conestogo, &c., with instructions in writing to excuse the Govrs. not coming, because the Assembly is now sitting upon an affair of great Importance, & for a Credential to take a good Belt of wampum with him; To inform them that if they design to pay a visit to the 5 nations, they are now busie in engageing with the English in a war agst. Canada, for which vast preparations are made from England; that if those of Conestogo, y^{e} Shawanois, &c., can Engage, and will prepare themselves to Joyn immediately in this Expedition, their young men should all provide themselves for it without delay, & they shall receive by the Queen's order, sent for that purpose a good reward, every man a Gun, &c., and that their answer to this by some of their old men, & a good interpreter is immediately desired.

That whether they can engage or not we shall be glad to see some of them here, & the Govr. will shortly make them a visit, &c. And then adjourned.

At a Council held at Philadia., the 9th of June, 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Saml. Carpenter,
Caleb Pusey,
James Logan,
Willm. Trent, Esq'rs.

Richd. Hill,
Isaac Norris,
Saml. Preston. Esq'rs.

The answer ordered yesterday to the Assembly's address was read, Debated and agreed to, in these words.

The Govrs. answer to the Assemblies address, June 9th, 1709.

Gentlemen:

Her Majesty's Command to me, which I have laid before you to have yor. necessary assistance therein, as they concern a matter of the Vastest Importance to y^e^ security of all her Dominions here, So by them Her Majesty's great Care & Tenderness to Her subjects appears to a degree, that should incite all concerned to lay hold on the opportunity to express their Gratitude and affection, with the sincerest and mosteffectual Demonstrations.

The Glory of her Majesty's reign has not appeared in one thing more eminently than in the excellent Improvmt. she had always made of the vast supplies wch. Her subjects have with the greatest alacrity raised to answer the Publick necessities, that have always been equal to them; These supplies, Gent., are not less than one fifth part yearly, of all the Rents of Great Brittain, besides many other duties, all which are readily paid by people of all perswasions, because they know they are only employed to the advantage of the Givers, & yet their losses by sea, and the Damp on their trade has been at least as great at home as can be any where pretended in her Majesty's other Dominions.

I cannot, therefore, without some surprize, take notice of your neglect in the sum you have mentioned to me as agreed on, to be presented to Her Majesty upon this valuable opportunity now given you to shew yourselves truly Dutiful subjects; words alone, I assure you, Gent., are not much valued by the ministry at Home, & £500 from Pennsylvania will add to 'em doubt, but very little weight; You say that were it not that raising money to hire men to fight, is against your Religious Principles; You should not be wanting, according to your abilities, to Contribute to the Designs in hand; But altho' you find a scruple in matters of war, no conscience can be pleaded to prevent you from Dutifully offering to Her Majesty, at a time when Her Publick necessities so much crave it, a sum that may become you to give, as well as be in some measure worthy of Her Royal acceptance.

'Tis certain that in time of so Hazardous & expensive a War, most Countries Concerned in it may have reason to Complain of a growing poverty, the general Effects of War, yet notwithstanding all the reasons assigned by you, wch. equally reach most other places, (the misapplying of Taxes only Excepted, wch. I have not yet found any one Capable to explain to me, I hope this Countrey has not as yet the greatest reason of all others to complain; The Govmt. is small 'tis true, but I cannot perceive that many labour under want in it; However, if we have but little, Lett us freely give a suitable part of it; Lett a reasonable assessmt. of so much in the pound be honestly laid, (it need not, I believe, exceed four pence, or six pence at most,) upon this Important occasion, and whatever the People's Estates be, the Tax will then be proportionable & equal, both to Rich & Poor, and to make it the Easier, because money is scarce, it may be sent out out in Provisions, wch. the Countrey may be in a better Condition to spare.

To be short, Gent., all her Majesty's subjects every where, Contribute largely to the necessities of the Publick, and it can never be reconciled to a Dutiful affection in you to Exempt yourseles, as your present offer is but little better than an Exemption; It is so very inconsiderable that I cannot easily perswade myself to be assessary to so great a slight of her Majesty, as to assent to any act for it. I therefore earnestly press you as you Tender your Duty to Her Majesty, the Honour of the Province, Your safety & future security, the Enjoymt. of your present privileges, & your own Reputation, to take this matter again into your most serious consideration; Believe it to be of the highest Importance, not only to you, but your whole Profession, for tho' I perceive the principal of those in this place are for acting generously & as becomes them, to Her Majesty; Yet your proceedings at this time, will by many be interpreted to affect them all.

Ordered, that Saml. Carpenter and Caleb Pusey Carry the said answer to the House, signed by the Govr.; and then adjourned.

At a Council held at Philadia., the 11th of June, 1709.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Lt. Govr.

Edwd. Shippen,
Saml. Carpenter,
Saml. ffinney,
Caleb Pusey,
James Logan,
William Trent,
Esq'rs.

Richard Hill,
George Roche,
Isaac Norris,
Saml. Preston,
Antny. Palmer.
Esq'rs.

The Govr. laid before the Board a Paper he recd. from the Assembly, which was read in these words.

June the 10th, 1709.

The Assembly's Reply to ye Govrs. ansr. sent to ye House the 9th Inst.

May it please the Govr.:

The answer to our address of the 8th Inst., Exciting us to augment ye present agreed on for the Queen, has been duly considered by this House, who have nothing to object against the Excellent Improvement she has made of the supplies raised by her subjects which thou art pleased to say, are not less than a fifth part yearly of all the rents of Great Brittain. This renders the present we intended so very Diminutive in thy estimation, that thou art surprized at our neglect, but we hope upon better consideration thou wilt be of another opinion.

The Taxes in Great Brittain are upon the Profits or Incomes not as here upon the whole estate it self, and we are apprehensive by a Computation of former Taxes, that two pence or 2½ per pound of the late Currency will be the least that can be raised on these three poor Counties to answer the present, we intended wth the incident charges, which if the latter, we take to be as great or a greater Tax than has been laid at one time on the subjects of great Brittain, in this or the last reign. The most we have heard of hath been one fifth part or four shills. in the pound on the rents or incomes, at which Rate one hund'd. pound Ground rent per annum pays £20, but by our method of assessing the same, rent valued at 20 years purchase or £2000 must pay £20 16 8, and the like, for personal Estates. This is more than words only, and we think how small soever the sum may seem, 'Tis evident, it will be heavier on the people here, than it has been at any one time on those mentioned, which we suppose would have Excused the smallness of our present with the Queen, as coming from one of the meanest & poorest of her Colonies.

We grant, most Countries concerned in war, may in some sense Complain of Poverty as the effects of it, as well as we who have shewn above, that we urge not y^t to excuse our want of generosity, and explain what we mean by misapplying of Taxes, we must acquaint thee, that about three years ago a Tax was laid on this Province of 2½d per pound, and an Impost and Excise on some Goods Imported and Retailed, which was appropriated to certain uses, viz: £800 with half the Impost, &c. to the support of Govmt., which the late Lt. Govr. Evans reced., with other perquisites which to be applied to the support of Govmt., as the late assembly signified to him in Augst. last, whereupon we refer. The money so appropriated has (notwithstanding the Express words of the Act.) been kept or misapplied by him, and he refused to give the last assembly any acct. thereof, which is a sufficient Caution to this House in the Premises; But we think it material to mention this, to shew that raising Money for support of Govmt., as thou proposed, has been done already to a very Considerable Value, and that the same has been paid to the said Evans, who ought to be responsible for the whole, or so much as has been applyed to defray the publick Charges & Exigencies of Govmt., & do expect thee to take care thereof, and that this was the design of the Assembly who granted the said tax, (whatever some may suggest to the contrary,) both the words of that Law and the address of the same assembly, in June 1706, signed by the then Speaker, J. Growdon, in answer to the Lt. Govrs. Proposal for a supply to raise ffortifications, are a sufficient Proof.

We hope 'tis manifest and easily Reconcileable to our duty and affeccon to the Queen, that what we would have presented Her withal was not so very inconsiderable as to be little better than an Exemption; a small handful of poor people as we are, cannot be expected to do much, and where want of ability is, we Doubt not our Good Will would with our Gracious Queen have been regarded. But seeing thou Cannot assent to an act for that purpose, we cannot help it, Tho' it is our opinion by whatever Council thou may have been influenced in this matter, it would have behoved thee to Consider how far thou, being our fellow subject, canst interpose between Us and our sovereign, and whether 'tis consistent with thy duty to Endeavour to bar up our way & obstruct y^e Queen's Clemency towards her poor but truly Cordial subjects.

Signed by Ordr. of the House, N. C. D.
DAVID LLOYD, Speaker.

Which being Considered, It was Resolved, that an answer should be forthwith drawn up to it, to be sent to them this morning before they rise, which was done in these words.

The Govr. to the Assembly, June 11th, 1709.

GENTLEMEN:

What I have so Earnestly pressed you to in the matter now before us, as on the one hand it was absolutely necessary on my part for the Discharge of my Duty to Her Majesty, in answer to Her Royal Letter, so on y^e other I apprehended nothing could be more to your advantage than thus, to put you upon an effectual way of recommending yourselves to Her favour; But since you look upon it as a Design in me to Interpose between Her Majesty and you, than wch nothing can be further from my thoughts, I shall not be against your proceedings in any method that you can with reason believe will recommend you there.

That 2½ d. per pound, as laid here on the value of Estates, is not at all Equivalent to 4 shs. in the pound, on all yearly rents, might easy be made appear, but I shall not now spend time on it, only must take notice that if you think fitt to lay but that assessment equally and Justly, I have reason to believe it will raise a sum that may come better up to answer the end.

I Question, Gent., whether you ever had more at stake than at this time, & am of opinion that more than you seem to be apprehensive of Depends on your present Resolutions. 'Tis Certain you cannot more effectually Gratify those who desire a Dissolution of the present Govmt. than by not Discharging your Duty at this Juncture, of which I shall once more Desire you seriously to consider.

R. Hill and I. Norris are Ordered to carry the said message, signed by the Govr., and further to speak to the matter so much insisted on by them of misapplying the Tax.

An Address from divers of the Inhabitants of Lewis to the Govr. complaining of some Irregularities committed by Jonathan Baily, first Justice in the Commission of the Peace, &c., for the County of Sussex, in his administration of that office, & more particularly blaming him for not Complying with the desires of Several of the said Inhabitants, to have a watch sett that night, the Vessel by which they were plundered, came in sight, was read; and because it appeared to be drawn up with some prejudice, it was laid aside till there should be a more proper occasion to inquire into the matter.

The Govr. also laid before the board y^e Copy of a Petition, said to be signed by 27 Swedes, and presented to the Assembly, which Copy signed by the Speaker, the House by several of their members, sent to the Govr., in which Petition they complain; that their old grants for their lands, which were given them by the Govmt. of New York, (after the English in Exchange for Surinam were by treaty With the Dutch, to whom it aforetime belonged, left in peaceable possession of it) upon the Proprietrs. arrival here, were taken from them & Detained by James Logan, and that he being the Proprietrs. Receiver Genl. had Demanded and forced some of them to pay Greater quitt rents for their Lands, than by their said first Grants they were obliged to, tho' they did not understand that they were to pay any Rents to the Propry. but the Queen.

But the said James Logan being present, in answer to those allegations, affirmed it was utterly false that he ever had any of those ancient Grants in his keeping, and informed the Board that as far as he could understand that matter, the Swedes had Deliv'd. up those old grants, in order to obtain more firm Titles for their Lands from the Proprietr., which most of them had accordingly obtained; He said that he never demanded more from any of them than one bushel of wheat for every hundred acres of the Land they held, and so proportionably, which was the Quitt rent first agreed to be paid under the English Govmt.; that when he first arrived these people, with all the old settlers, were in the practice of Paying the said rent, and that he had never attempted to alter or augment it. That this Petition he was certainly informed was carried on purely by the instigation of two or three persons concerned in Lands in Chester County, most eminently Disaffected to the Proprietr. and y^e Government.

Richard Hill, returning, reported that they had Deliv'd. the message wch Isaac Norris & himself had in charge, and that they had discoursed the business of the Taxes and their misapplication so often insisted on by the House, and as he hoped to the satisfaction of many of the members, and then adjourned.

After Council the Govr. reced. a Verbal message from the Assembly by some of their members, Desiring that upon acct. of their Harvest they might have Liberty to adjourn for some time, the better to attend their necessary Domestick affairs, to which the Govr. then gave them a verbal answer, & afterwards sent one in writing under his hand in these words:

Saturday, June y^e 11th.

GENT:

I cannot consent that the House shall adjourn any longer than from day to day, till the business now before us shall be fully Issued.

CHARLES GOOKIN.

At a Council held at Philadia., the 15th of June, 1709.

PRESENT:

Ye Honble. CHARLES GOOKIN, Esqr., Lt. Govr.

Samuel Carpenter, Samuel ffinney, James Logan, William Trent,	Esq'rs	Richard Hill, Isaac Norris, Saml. Preston.	Esq'rs.

The Govr. laid before the board a message which he rece'd. yesterday from the House of Representatives in writing, containing two Resolves, which were read in these words:

June ye 14th, 1709.

Resolved, N. C. D , That this House cannot agree to the Govrs. Proposals Directly or indirectly, for the Expedition to Canada, for the reasons formerly given.

Resolved, N. C. D., that the House do Continue their Resolution of raising five hund'd. Pounds as a present for the Queen, and do intend to prepare a bill for that purpose, at their next meeting on the 15th of August next, & not before.

Signed by Ordr. of the House,
DAVID LLOYD, Speaker.

After the delivery of which to the Govr., it appeared the House had adjourned without waiting the Govrs. Consent.

It was hereupon proposed, seeing the Assembly had acted so Contemptuously to the Queen and this Govmt. in their said adjournmt., after so positive a message sent to them by the Govr. in writing, on the 11 Instant, requiring the Contrary, whether it would not be necessary forthwith to require their meeting again, by writts of Summons from ye Govr.; But since their last answer was so positive and full, it was thought more adviseable to be at no further trouble with them about the matter at first proposed to them, since nothing that could further be offered, could possibly produce any good effect.

And Whereas, the Assembly think not fitt that this Govmt. should Contribute any thing towards the Expedition against Canada, in obedience to the Queen's Commands, for ye advantage of which Expedition, in Case those Commands were Complyed wth., a General Embargo was laid on all outward bound Ships, & Vessels in our ports. 'Tis therefore now Ordered that the sd. Embargo be taken off, & that the officers of ye Customs, and others Concerned, may henceforward proceed to Clear all outward bound Vessels, as formerly they have done.

Capt. Jno. ffrench having gone in a message to Conestogo, brought for answer from the Indians there, that they would forthwith call in all their young men, & with all their force come to Philadia., in order to proceed to Albany, & joyn in the Expedition against Canada; But the Assembly having positively voted agast. joining with that Expedition, or raising any money for that purpose; 'tis Resolved, that a message be again sent to these Indians, desireing them to Defer their Coming to Philadia., for that the Govr. will speedily make them a visit.

At a Council held at Philadia., the 28th of June, 1709.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Lt. Govr.

James Logan,
Willm. Trent,
Richd. Hill, Esq'rs.

Isaac Norris,
Saml. Preston, Esq'rs.

The several late messages from and to the Indians, with their answers, being recapitulated, & the Govrs. going in person to them being proposed, an Inquiry was made, what suitable presents were provided to be Delivered by the Govr., at his 1st visit amongst them, to which an acct. was given, that all the fund allowed for this Treaty, was only £20 of the old Currency, of which £6 was already Expended on messages, so that but £14 remained to be laid out in Powder and Lead.

It was hereupon thought more adviseable, that the Govr. should Decline his visit to them, unless presents could be procured better proportioned to the occasion, and that the Secry. should proceed in the Govrs. stead, with all Expedition.

At a Council held at Philadia., the 9th of July, 1709.

PRESENT:

Edwd. Shippen,
Griffith Owen,
James Logan,
William Trent, Esq'rs.

Richd. Hill,
Isaac Norris,
Saml. Preston. Esq'rs.

Richard Westly of Lewis, in Sussex, arriving here early this morning, with an express sent from thence by him, in a Boat & 4 Oars, by the Govr. now there, to give notice to the Govmt. here, that on ye 6th & 7th Instant, a french Privateer had Endeavoured to Land at Lewis aforesaid, but being prevented by the opposition made to him, stood up the Bay where the said Westly, on coming up did pass him; Whereupon, (as he further informs,) he according to the Govrs. Orders to him, which was the principal Design of sending him by water, had given notice to all ye outward bound Vessels, yt he could possibly come to speak wth, that they might avoid the danger, and the sd. Westly Desiring to be satisfied for his own & his Companions Trouble herein. 'Tis Ordered, that ye Treasurer forthwith pay to the sd. Westly, the sum of six pounds of ye present Currency, or eights pds. of the old, in satisfaction for his said service, to be allowed out of the Publick money now in his hands.

Ordered, that the Sherifs of Philadia. & Chester, be required without fail, to appear at this Board, & render an account of their Proceedings in Collecting yᵉ publick Taxes, yᵉ first Council day, ten days hence. Adjourned.

At a Council held at Philadia., the 16th of July, 1709.

PRESENT:

Yᵉ Honble CHA. GOOKIN, Esqr., Lt. Govr.

Saml. ffinney, James Logan, William Trent, Esq'rs. George Roche, Antny. Palmer. Esq'rs.

The Govr. having yesterday returned from Lewis, from whence he had sent an acct. laid before the Board at their last meeting, of an attempt made by a french privateer to Land there, but by his presence were disappointed, now further Represented that yᵉ Enemy having, in a manner, made our River & Bay a Rendesvouz to their vessels, it was highly incumbent on us to think of making a defence against them, in Case that tempted by the hopes of the Plunder of this City, they might adventure to attempt it. That we are now in a very visible danger, which ought to awaken the thoughts of every man who has any thing to lose, & that the Discharge of his Duty & the Trust reposed in him, indispensably requiring him to provide for the peoples safety committed to his charge, he had Order'd a Proclamation to be drawn up in readiness, requiring all men to provide themselves with arms, and forthwith to Inlist themselves under such officers as should be appointed, and that he thought it further requisite to require, by the same Proclamation, that all men whatsoever, between the age of 16 & 60 years, shou'd in case of a real alarm attend him at the place of arms, which Proclamation he ordered to be read, & accordingly it was read & approved of, & ordered to be forthwith Engrossed, Sealed & Published.

Further—Present, I. Norris.

But Complaint being made that there is no money belonging to the publick to pay so much as for an Express or any other service whatsoever.

'Tis Ordered that the Assembly shall be Called to meet on the 26th of this Instant, to consider & make due Provision in this case, and Writts of summons are accordingly Ordered to be forthwith published.

At a Council Held at Philadia., the 25th of July, 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lieut. Govr.

James Logan, William Trent, Richard Hill,	Esq'rs.	Isaac Norris, Saml. Preston, Antny. Palmer.	Esq'rs.

The Chiefs of Several nations of the Indians living on Sasquehannagh, viz: Andaggy-junquagh, Woshtachary, —— — Chiefs of the Mingoes, Owechela, Passakassy, Sa-soonan & Skalitchy, Chiefs of the Delaware Indians, settled at Peshtang above Conestogoe & other adjacent places, Peter & Pipskoe, Chiefs of the Ganawese, with their several Interpreters, viz: Indian Harry for the first, Sam, son of Essepenawick for the second, & Jno. Montague, a Ganawese Indian for the last, being all arrived here with several attendants, three days ago upon apprehension that by the Govrs. last message to them they were Expressly sent for, about some earnest business; they now mett the Govr. in Council, who Ord'd. the Secry. to tell them by their Interpreter, & Peter Bizaillon, to this effect; That upon the first message the Govr. had reced. from them about 6 weeks ago, desiring his Company at Conestogo, he had returned an answer by Lt. Coll: ffrench, of New Castle, that He could not then possible come to them because of the affairs of Govmt. here, from which he could not be spared; That he had sent them notice yt the Visit which they proposed to the five nations, with their Tribute, might prove unseasonable at this time, because those nations were engaging in a great Expedition with the English against Canada, of wch they would probably hear from them in a little time; that it would be well if they would prepare themselves to Joyn in it; & that he had invited some of their Chiefs to call on him at Philadia.; That he had reced. an answer to this from the Mingoes, or those of Conestogo especially, that they would Call in all their Young men, & march immediately with their whole force to Philadia.; But that this appearing inconvenient and not likely to answer the End proposed, the Govr. had immediately Dispatched away another messenger to them, to prevent their Coming, and inform them that he himself having now more leisure, intended in a few days to see them at their own places. That accordingly He, with Coll. Evans & several others, had sett out & proceeded beyond New Castle in the way, but there found himself so indisposed by reason of a great Cold he had taken, that he could not continue his Journey, & therefore sent another message to them by Jonas Askew, the Interpreter, to inform them of the matter—to tell them he was sorry He was so far disappointed as that he could not see them at that time, but that if some of their Chiefs should think fitt any time this fall to Call at Philadia. he should be glad to see them there, and if it would suit their affairs to be here within two months, it might be the more convenient, because in that time the late Govr. and Secry. intended both for England, to see the Indians old friend, the Proprietor, W. P., to whom they might by them send any message, and that the Govr. then further Desired them to Consider what he could do for their service, & he would answer them in it. That this was the substance of what had passed, and therefore that he had not Expressly called them in, as they had been given to understand. However that he was now very glad to see them, & that they should be heartily welcome to him. The Govr. then told them himself that tho' he had not Expressly sent for them, yet he was glad to see them come so Cheerfully in; that he was lately come from England, & was sent to them by their friend & Brother, W. Penn, the Chief Govr. and father of this Countrey, who has given him at his coming away a special Charge to be very kind to the Indians, and to treat them as his friends & brothers, which he accordingly would observe, & now thought fitt to tell them so; that as there had been a strong Chain of friendship between all those of this Countrey since, under this Govmt. and the Indians; so he desired it might be continued and made every day firmer, that it might never be broken; that if they had any thing to ask of him he desired them to consider of it, & he would hear them speak to morrow. They all pressed their satisfaction in what the Govr. had said, and after some time spent in conversation, &c., they departed.

At a Council held at Philadia., the 26th of July, 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Lt. Govr.

James Logan, } Esq'rs. Antny. Palmer, Esqr.
Saml. Preston, }

The Mingoe Indians having been Invited over the River this morning, wthout the Govrs. Knowledge, could not be ready to meet; therefore, those of Peshtang, &c, & the Ganawese attending, they were desired to Speake and Deliver what they had to say; Whereupon, by Order of Owechela & Passakassy, rising, laid on the Board a Belt of Wampum, as a Token to Confirm what he had to speak, & then said: That this summer they had intended to wait upon the five nations, and had provided for their Journey Twenty four Belts of Wampum, to be presented to them as their Tribute, of which they thought them selves obliged to acquaint the Govr., & for that purpose had sent him the message that has been mentioned; but that about the same time they had recd. a message from these Indians, acquainting them that they had appointed all the Indians of these parts, as also of Maryland, who are all Tributaries to the said five nations, to meet some of their Chiefs, who were coming down for that purpose at Conestogo, but that they had declined their Journey, being not yet arrived; Upon this they were again informed by the Govrs. Order, of the Expedition against Canada, in which those nations had lately engaged, & therefore were in all probability prevented in their intended visit.

The said Speaker added, that it would be now too late for them to proceed in their Journey Northwards, because they would not be able to return before the Cold weather sett in, & therefore must defer it till another year.

Passakassy added, that they had heard of the french being upon our coasts, and that we were in danger of being invaded by them; that for this reason they were not now willing to take a Journey so far from home, lest their wives & Children, and we of this place should want their assistance in their absence, & therefore they thought fitt to stay.

The Govr. thanked them for their care in this; But they were cautioned hereupon against giving ear to flying reports, they were told that the french had no forces in these parts, y^t could injure us, and that what they had heard of this kind was occasioned only by some Robberies, that some of their small vessels fitted out only for this purpose to plunder and way lay honest traders had Committed; the method of Privateering at sea was Explained to them, by which they were made sensible, that what had happened was not the effect of any superiour force in war, but such Robberies as were common at sea, when a few private Lurchers, with arms, sett upon Vessels provided only for trade, and Carrying of merchandize, & so were made prize of.

They were earnestly exhorted not to suffer stories to be spread amongst them, but to take notice of those that uttered them, to apprehend them and bring them to the Govr.

Passakassy complained that some of the Traders, especially J. Le Tort, wrong'd them in the measure of their matchcoats wch he sold them, in which he desired Redress, & upon it they were advised to a method that would scare them.

They Expressed a great satisfaction in what had been told them, & being acquainted that they must all meet again in council, they were for this time dismissed.

At a Council held ot Philadia., the 27th of July, 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lt. Govr.

Griffith Owen, James Logan, William Trent,	Esq'rs.	Richard Hill, Isaac Norris, Saml. Preston.	Esq'rs.

Yesterday being appointed for the Assembly to meet, the Govr.

this morning rece'd a message from them, acquainting them that they could not yesterday make a Quorum, but that now they were a House, & ready to receive what he had to Deliver to them.

The Govr. laid before the Board what he had prepared in Writing, to say to them, wch. being considered, & with some alterations agreed to, the Secry. was sent to Desire their attendance immediately, & being come, the Govr. spoke to them in these words:

Gent:

The boldness of our Enemies this summer, in Plundering Lewis, Watering in our Bay, & sounding it as they passed along, is so remarkable, that it may justly give us occasion to apprehend a nearer visit; Therefore if means Cannot be immediately found, to oppose such an attempt with a sufficient force, yet several other things might be done, if there were a fund to defray necessary Charges upon an Emergency, that might in some measure conduce to our greater security; But at present we are so unprovided, that there is not money to pay an Express on any occasion; To supply this great Defect, I found myself obliged to call you together at this time.

The Chiefs of several nations of our Indians being now come in, there is an immediate necessity also for a supply to make them a reasonable present. I need not inform you of how great Importance it is to keep a good Correspondence wth. these people upon the Easy terms it has hitherto been done in this Govmt.; half of what you allowed for this purpose has been expended in messages, and the other half at least, in provisions, so that nothing remains thereof for a present; I am sensible money cannot just now be raised to answer this end, but you may find means to procure Credit, so that they may not go away empty.

I must also now take notice that there is no manner of Provision for my own support. The Assemblies of this Province have too often had an Eye in this case upon the Propry., but his late hard treatmt. from some he had too far trusted, has utterly disabled him, (were it in itself reasonable,) to Continue any such Provision; therefore 'tis necessary you immediately Resolve to contribute what is proper in this point, or otherwise you must expect a Change that may prove more chargeable.

What is truly necessary to be done for the general Good of the Publick, I will readily agree to, but must desire the shortest methods may be taken to obtain this, & what I have now proposed to you being of immediate necessity, may be answered without any manner of Delay.

The Govr. not having a Copy of his said speech ready drawn, he told them he would speedily send them one, & then they withdrew.

Peter Evans, sherif of Philadia., having neglected to appear at the Board, according to the last Order for that purpose, was now sent for, & required to give an acct. of the Progress he had made in Collecting the Taxes since his last appearance here upon the same occasion.

The Secry. was Ord'd forthwith to carry the Copy of the Govrs. speech to y^{e} House, which he Did, and returning informed that he had taken occasion, upon what had been mentioned to them by the Govr. upon the same head, to give the House a full acct. of what had lately passed between the Govr. and the Indians, how y^{e} money they had allowed had been expended, and what would be further necessary to be advanced upon the present occasion.

Peter Evans attending, Exhibited his accts., by which it did not appear that any considerable part of the arrears had been collected since the last time he was called upon, and being required to render a particular acct. of the several outstanding sums, and the reasons why he had not, according to Order reced. them, he mentioned Divers reasons, which not proving satisfactory in general. 'Tis Ordered, that a Committee of this Board, with the Treasurer, Carefully Examine and state the said accts., and particularly inquire into the reasons the sherif has to offer in his own defence, why he has suffered each respective sum not yet collected to be so long outstanding.

Richard Hill, Isaac Norris, & Saml. Preston are Desired, with the Treasurer to be the said Committee, who accordingly undertake the same.

Griffith Jones, Abr. Bickley, & a 3d member, in a message from the House, acquainted the Govr. that they had ordered the said Bickley to advance any sum not Exceeding 25 or £30, or thereabouts, for a present to the Indians now in Town, to be supplied by him in such goods as this Board should think proper.

At a Council held at Philadia., the 29th of July, 1709, at J. Growdons.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Lt. Governour.

James Logan,
William Trent,
Richard Hill,
Caleb Pusey, Esq'rs.

George Roche,
Isaac Norris,
Saml. Preston,
Antny. Palmer. Esq'rs.

All the Indian Chiefs now in Town, with their several Interpreters being mett and seated in the Council Chamber, the Govr. ordered the Secry. to speak to them upon such heads, as were then agreed at the board to be most proper.

Accordingly the Secry. spoke to them by their Interpreters largely, of which the substance was as follows.

That notwithstanding they had not been Expressly sent for, (as they had been told before,) yet they were very welcome, the Govr. being a stranger amongst them, was now very glad to see them.

That the chain of friendship had been so often confirmed between them and us, that there remained very little now to say on that head. We had always considered them as our Brothers in all proceedings with them, & should always desire to do the same; there was nothing but Love and peace between them & us, and as often as ever we mett we should still renew the Expressions of it, desiring that it might be extended to all posterity, & that the aged father should inform their children of the friendship that has always been maintained amongst us, that so in every generation it may continually grow stronger.

That since as our friends and brothers the had come to see us, We could not suffer them to depart without some token of our friendship, & therefore desired them to accept of the present that was there laid before them, which was

1 Cwt. of Powder in 4 small Casks.

2 Cwt. of Lead.

4 Stroudwater matchcoats.

1 Dozen good Linnen shirts.

1½ Dozen of Stockins.

100 flints, & a large quantity of Biskett and Loaves.

These they were told were for their Journey, & the Powder and Lead to furnish them wth provisions & skins, they were promised such Liquors & other necessaries as they should want, and then were desired to receive the whole as a further Token of Love, & to distribute it amongst themselves as they should see convenient.

They were largely told of the War between the Queen & ffrance, & the Difference between the Wars among Christians & those among Indians; that the Christians killed none but at the very time they were in ffight, & that all those of either nation that behaved themselves peaceably and quietly had free Liberty to live in the others Dominions without molestation; that accordingly we suffered many french do live amongst us, some of whom traded amongst them; Yet the Indians were earnestly pressed to observe whether any of those ffrench Traders did at any time spread stories amongst them Relating to the ffrench nation; that in Case they did, those of the Indians who heard them should immediately inform the Govmt., and such Trader should never more be permitted to go abroad amongst them; for that tho' they were suffered to live and Trade amongst us, yet it was upon Condition that they behaved themselves in all Respects as English subjects & no others.

The Indians hereupon were further acquainted with the success of this present war; that these cautions arose not from any unwillingness that they should be informed of what passed in Europe, provided the acct. given them were true & honest, but that we had reason to believe they had been frequently imposed on & abused, and therefore we were resolved severely to punish the Reporters of all false news among them; that they had reced. an acct. of an Expedition designed agst. Canada, of wch the post Just now arriving & bringing Letters, which they had heard read at the Board, gave an acct. that the fleet, consisting of about 75 Great Vessels, of which several were great ships of War, might be hourly Expected at Boston, having sailed from England the latter end of May; that the Design of this Expedition was to take Canada from the french, so that all the Christians on this part of the main should be subjects only to the Crown of England; that great preparations were made for it, & most or all the five nations had already joyned with the English in it: that perhaps before they returned home they might receive a message from those nations concerning it.

The Secry. added that the Govr. hoped they had been civilly & kindly treated since their arrival here, & not received any Injuries from any of our People; if they had, and would mention it, they should receive satisfaction.

They answered they had been kindly treated, and had nothing to Complain of; that all was well, & having nothing to add further than their general Expressions of friendship, Love and good will, with wch they Closed the Treaty, they took their present & Departed.

The Govr. having reced. a Paper this morning from the Assembly, it was read in these words.

The Assemblie's answer to the Govrs. speech of y^e^ 27th of July, 1709.

May it Please the Governour:

We are heartily sorry for the losses of our neighbours at Lewis, & if Providence should permitt the Enemy to come nearer, the Govr. has been already acquainted how far the Generality of the People of this Province can oppose such an attempt. We are Credibly informed that the Queen, out of her wonted care for the Protection of her subjects in these parts, as well as the Trade of the bay and the River, has ordered one of her men of War, Called the Garland, lately arrived in Virginia, to Cruise between our Capes and Cape Atteras, and provide a sloop to tend him, so that it may be expected that the coast will soon be Cleared of those Privateers.

We admire that notwithstanding the great sums that have been raised lately for the support of this Govmt., and to defray the Publick Exigencies thereof, we are Left so unprovided as the Govr. is pleased to mention; we cannot without Violateing our Trust, but Earnestly request the Governour's assistance to call the late Governour and Secry. to account, and that they may not be suffered to depart this province before they render an acct., and make satisfaction for that money, wch should have been applyed for the use of the Publick.

We have agreed that over and above the 500 pounds lately voted for the Queen, there shall be raised the sum of £300, as a fund to pay for all necessary Expresses, and defray some other Publick Charges, whereof the Present now made to the Indians at thy Request, will be part.

In the next place we agreed to raise £200 to augment those perquisites, That are properly applycable to thy own support, wch. we freely Grant as our Benevolence, Expecting no other returns but thy Candid Construction of our proceedings, and hearty concurrence in Redressing the Publick grievances of this Province, Divers of them haveing been heretofore Laid before thee.

We return thee the thanks of this house for the kind assurance thou hast given us of thy Readiness to assent to what is necessary for the General good, wch. as it answers the true end of Govmt., so must it necessarily Gain the hearts & affections, as well as purses of the people under it, to whom a Change will then be very unacceptable.

We readily grant that the shortest methods to obtain this, are the most desireable, and once more recommend to thy Consideration those bills prepared by former assemblys, and agreed to by this House, being about Eleven or Twelve in number, vizt: the Bill for Establishing Courts, and Regulating the Exorbitant fees of officers, the bill for settling property, Impowering Religious society, &ct., to buy and sell Lands, a supplementary Act for County Levies, &ct.; with the others long since laid before the late Lt. Governr. whereunto we earnestly desire thy concurrence, with what other reasonable bills may be prepared by this Assembly, or otherwise be pleased to lett us know thy objections to those bills, and we shall readily agree to any reasonable proposals of amendments to them with all possible dispatch.

Signed by order of the House of Representatives, N. C. D.
July y^e 29th, 1709. DAVID LLOYD, Speaker.

To which answer a reply was agreed on, & Ord'd. to be drawn up, & accordingly it was done in the following words:

The Govr. to the Assembly,

Gent:

I have been made sensible 'tis true that a great part of the Inhabitants of this Province cannot, in any case bear arms, and therefore I have not pressed it upon them; what I now offer is, that with a necessary supply of money many things might be done for our greater security, without engaging any man against his Religious Perswasion.

I am intirely ignorant what Ordrs. the Commander of the Garland has reced. in relation to this place, & should be glad to be informed by any that know. If her station be certainly what you mention, a small expence from this Govmt. might render Her more serviceable to us.

I am willing, Gent., to assist in any thing that becomes me in my station, but know not well how to understand what you now propose to me. Coll. Evans affirms, that he reced. only what was directly allowed by the assembly for his own support, & thinks not himself at all accountable for it. The Secry. seems to admire what induced the House to name him upon this occasion, there being none of it payable to him but for his own services as an officer.

I give you my thanks for taking my support into your consideration, & hope y^{t} a Resolution on all hands to serve the Publick by the directest methods, & to promote unanimity & a good understanding among the People, will render future Provisions of this kind more easy. I shall be ready to agree, as I have told you, to any thing that is consistent with my duty & the Trust reposed in me, beyond which I hope none will Expect me to move.

I find several bills that have been sent Up to the late Govr. which were not agreed to, of which the principal seems to be the bill of Courts. Concerning this; I am to inform you, that tho' the Propr. is not at all against the Establishment of Courts by a Law, yet that I am obliged by his Instructions not to agree to those points in that bill, that either break in upon his Powers in Govmt. or his Just Interest, wth which I cannot see why a bill for Establishing Courts should Interfere. I am informed also, that the whole Constitution of Courts, as laid down in that Bill might be very much mended; all that is to be desired in this case is, that the Courts be sufficiently settled for the Ease and security of the People, without grasping further, & to such a Law I shall readily agree.

A Regulation of fees I perceive is Extreamly wanted, & ought to be drawn into a distinct bill; Many of those in the Bill of Courts seem to be too short on the one hand, as the Excessive Demands of some officers are extravagant on the other, all which ought to be moderately and reasonably settled.

Tho' I have caused the Bills I have mentioned to be viewed, yet I cannot think it proper to Consider them fully, unless they were the acts of this present House, & therefore have now sent them to you to be further Considered.

Ordered, that James Logan & Richard Hill Carry the sd. message.

At a Council held at Philadia., the 11th of Augst., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

James Logan, Willm. Trent, Richd. Hill,	Esq'rs.	Isaac Norris, Saml. Preston.	Esq'rs.

A Petition & Complaint from Benjamin Chambers to the Board, was read, setting forth, that pursuant to his Covenants, formerly entered into with this Govmt., at y^{e} first erecting of his ferry over Skuylkill River, being employed in Repairing y^{e} long Causey leading to the ferry on this side the said River, he was attacked by Andrew Sandal, minister of the Swedish Church in the County of Philadia., & by Violence drove from his work thereon; Whereupon, 'Tis Ordered, that the said minister, Andrew Sandal, attend this board the 16th Instant, about Eleven in the forenoon, to render an acct. of the said act, and the reason of his Interrupting a person employed in the Queen's High Way, in the necessary Repairs thereof.

The Sherif of Philadia. attending with his accts., produced Lists of the persons that have not paid, drawn regularly out, and reduced under several Distinct heads, viz: such as were dead and left no Estate, that could be mett with; such as had left the Countrey; such as were Charged with Estates for which they were not to answer; such as were so poor as they were not able to pay; such as had already paid, tho' they had not Credit in the books; Such as had wheat ready in the mills, &c. All which being viewed, 'tis Ord'd. that those who affirm they have already paid Capt. ffinney, be Called Upon by the Sherif to meet at y^e Treasurers, on 2d, or Monday next, there to make out their allegations, and y^e whole business of the Taxes is further recommended to the same Committe that was appointed y^e 27th of last month, for inspecting the same.

Adjourned to 3d, or Tuesday next.

At a Council held at Philadia., the 16th of August., 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lt. Governr.

Edward Shippen,
Griffith Owen,
Saml. ffinney,
Caleb Pusey. } Esq'rs.

James Logan,
Richard Hill,
Isaac Norris. } Esq'rs.

The Govr. acquainted the Board that he had reced. a message from the Assembly, (which according to their last adjournmt. with his approbation had mett yesterday,) Desiring him to send the House his particular objections against the Bill of Courts, that they might be the better able to amend it, & that for this purpose they had at the same time sent up the bill itself, which message the Govr. desired the Board to Consider.

The last objections made by the late Govr. & Council in febry., 1706, with the Assembly's answers at that time, and several minutes of Council relating to the same, were hereupon read, by which it appeared the Debates upon the bill had been so high that it would be very improper at this time to suffer them to be entred on again, and therefore a message to the House was agreed on, which the Secry. was Ordered to draw up according to the Instructions now given him.

Andrew Sandal, the Swedish minister, according to order, appeared, and the Petition and Complaint of B. Chambers being read to him, he desired a Copy of it, and that he might have time to answor it, being now new to him, for that he had not notice to appear at the board till last night.

Ordered, that he have time till the first Council day next week.

According to Order, a message was prepared by the Secry. in these words:

ffrom y^e Govr. to the Assembly, a Message, Augst. 16th, 1709.

The Govr. to Comply with the Assembly's Request in Relation to the Bill of Courts, has caused the most material papers that passed between the Govr. & Council on the one hand, & the Assembly of this Province, Chosen in the year 1706, on the other, Relating to the bill of Courts now Recommended to the Governours Consideration, to be read at the Council board, and finds the objections & answers & Reply's upon them to have been debates, branched into so many heads, that it would Require more time and labour than can be now spared to Consider them all.

Wherefore he is opinion, that the best & most effectual method to have that business Dispatched, would be to take the Essential parts of the Bill as they were drawn into the Ordinance, by which the present Courts are now Established into Consideration, and upon the experience had from the practice of the Courts since that time, to make such alterations as may appear most convenient for the Dispatch of business or necessary for the publick good; and to add such other matters out of the said bill as will be of use for practice, & are necessary to be enacted into a Law, waving whatever has been the subject of those long debates, because that without any of these additions, it appears that courts may be effectually settled and Justice duly administered, which is all in this case that is to be Labour'd for.

Some of the alterations that are thought necessary to be made in that part of the bill by which the Courts have been Established, are represented to be these; that a more general Jurisdiction for the Provincial Court would be Convenient; that the Courts of Equity ought to be held by other persons than those who make up the Courts of Common pleas, and that these last ought in the County of Philadia. to be distinguished and divided from the Courts of Quarter Sessions for the said County, besides wch 'tis probable the Assembly may find some other particulars fitt to be Received.

The Govr. is very Desirous that a bill of fees distinct from that of Courts may be immediately proceeded upon, by a Committee as he before proposed, for he is of opinion with the Council, that it will be the safest method to bring each distinct matter into a separate act, that in case one be rejected at home, the Rest may not fall with it.

He seriously Recommends dispatch to the House in all things necessary for the Honour, well being and safety of the Govmt., and that nothing be suffered to Interfere with those great ends.

At a Council held at Philadia., the 17th of Augst., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Governour.

Edward Shippen, James Logan, Joseph Growdon,	Esq'rs.	Richard Hill, Isaac Norris, Saml. Preston.	Esq'rs.

The Govr. informed the board, that he had this morning reced. a verbal message from the House, by which they desired to have his answer concerning the Petition presented to them by the Swedes, of which they had formerly sent the Govr. a Copy; for that the Swedes were urgent with the House to have an answer, and if they could not obtain relief here, designed to apply to the Swedish ambassador in England.

This Language of the Swedes appearing exceedingly Insolent; It was ordered, that the House for preventing mistakes, should be required to send their said message in writing, as also to send a Perfect Copy of the said Petition, with the names of all the subscribers to the same, in which the Copy delivered to the Govr. was deficient, and Saml. Preston is ordered to go to the House & Deliver the said message.

In pursuance of an order of Council, dated y^e^ 15th day of May, 1706, relating to y^e^ Naturalization of the High & low Germans; the said Germans presented to the Board a Draught of a bill for their naturalization, prepared as they say, by the attorney Genl., which they prayed might be Recommended to the House to be past into an act, which was read, & the design thereof being approved of, it was ordered that the matter should be accordingly recommended to the House.

Samuel Preston returning, reported that he had deliver'd the message which he had in charge to the House, & that they answered that they would send the sollicitors of the said Petition, who had this day been waiting on the House, to the Govr., that he might be satisfied from themselves, in what he desired of them.

The Secry. was ordered to go immediately to the House, & require of them a perfect copy of the said Petition, with all the names added, also to require an acct. of the persons who had threatened to apply to y^e^ Swedish ambassador.

The Secry. returning, reported he had delivered the said message, and that the Speaker answered that the House would take the first part of the message into consideration; but that if the members of Assembly who brought the said message to the Govr. this morning, had mentioned any thing of the Swedes applying to y^e^ ambassador of that nation in England, it was a mistake: for that they had no such thing in charge, to prove which they had read to him the minute made upon it, in which no such expression was contained.

In the Secrys. absence, the Govr. reced. from the House the message Deliver'd him verbally this morning, now drawn up in writing, in these words:

Ordered, that Joshua Hoopes, Abra. Bickley, & Henry Lewis, do wait upon the Govr., and acquaint him that some of the Swedes have been with the Assembly, requesting an answer to their Petition, a Copy whereof the House had lately sent to the Govr., therefore do desire to know the Govrs. Result and Conclusion upon the said Petition, also to acquaint him that the House waits to know his objections to the bill of Courts.

Three Swedes, by name Morton Mortonson, Matthias Nitzilius, & Neils Lykin, the Solicitors of the above mentioned Petition, by directions from the House, waited upon the Govr.; who being asked whether they came to speak to the aforesaid Petition, answered they did, and being read to them, they were asked if they owned it as theirs, to which they also answered in the affirmative. The matte rof the said Petition was then largely spoke to, by most of the members present, & the Solicitors were informed that they had taken wrong steps to obtain relief, if they were really injured, for that this could be had only by application to the Proprietor himself, or his Commissioners, or else by Law, the only method of redress amongst the English, when other means fail; that if it was intended (as was generally understood,) that they thought themselves injured by being obliged to pay a bushl. of wheat for every hund'd. acres they held, this was no Injury, but pursuant to the first agreement with the English Govmt. for their lands, & wth. which the English, & those of all other nations here, as well as Swedes Complied; that if any of them had been injured in losing a part of their lands, upon the first settlement of the Proprys. great Colony amongst them, (the Secry. affirmed he knew but of one instance of the kind, & never heard of more than two,) the persons suffering ought to complain in a proper way, & not those of the nation conspire together, to make themselves a faction; that several at the board were sensible what they had done was not of themselves, but at the instigation of some very ill disposed persons, highly disaffected against the Propr. and his Govmt.; That they were extremely ungrateful to the Propr., to suffer themselves to be thus made use of by his late Enemies, for that it was most certain no People in the province had been more kindly treated, or more highly indulged by the Propr., ever since his first settlement of this Colony, than the Swedes had Constantly been; & therefore, that if they behaved themselves so unworthy of those favours, they might find their Error when they could not so well remedy themselves; for that if they Caball'd with the enemies of the Govmt., they could not be considered otherwise than as such, but as they had always behaved themselves peaceably & as good subjects hitherto, so they ought for their own sakes, to continue such, and if any particular of them had any cause of Complaint, if they would apply themselves properly, as the English and all other subjects must do, they would certainly be as much regarded as any other.

They were further questioned concerning that expression in their Petition, where they say they are not lyable to pay any Rents to the

Propr.; to which they answered, yt they did not know they were lyable for that the rents were reserved to the Queen; they were asked whether they were not sensible, that all this Province had been intirely granted by the Crown to the Propr., & that he had been in Possession of it, & reced. all the Rents for above twenty five Years; they answered they know not; & several times declared they were men altogether ignorant of the Laws & no masters of Language; that they were unskilled in these matters, but had lately been made sensible that they had been abused, &c.

The Secry. cleared himself of the charge agst. him in the said Petition, & made it appear that he had not given any occasion for the Invective language they had used agst. him; and upon the whole it being most manifest, that the Petitrs. had been seduced by such ill disposed persons as have been mentioned & used only to serve a malicious end, they were advised to take more care of themselves for the future, and not to render themselves obnoxious to their best friends, by factious Caballing, only to gratify the ill-nature of those who never intended nor were capable of serving them.

At a Council held at Philadia., the 18th of Augst., 1709, P. M.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,
James Logan,
Joseph Growdon, Esq'rs.
Griffith Owen,
William Trent,

Richard Hill,
Isaac Norris,
Saml. Preston, Esq'rs.
Antny. Palmer.

The Govr. laid before the board a Message he had this morning reced. from ye House, which was read in these words.

The Assembly's answer to ye Govrs. Message of the 16th of Augst., brought to ye House ye 17th of the same month.

May it please the Govr.:

Though the debates between the Govr. and Assembly, in the year 1706, upon the bill of Courts, were branched into many heads as thou art pleased to observe; Yett we find that assembly conceded to Divers amendments than proposed to accommodate it to the Governours mind, so that there Remained only two Particulars to wch they could not agree; and although we are of opinion the bill is better adapted to the circumstances of this Province in General, according to the first Draught, yet we are also willing to agree to those amendments, and if thou insist on the particulars then objected against, or any others, we Desire to hear the particulars, and we hope to give the full satisfaction Concerning them, (Instead of the method thou proposes,) wth out loss of time.

What part of that bill were drawn into the Ordinance, the Assembly in General, we are strangers to; but are unanimously of opinion with the former Assembly, y^t^ whilst the Representatives of the People are Ready to Establish Courts by a Law, that the setting them up by ordinance of the Govr. and Council, & Exacting fees as now Practised, is not warranted by the Royal Charter, notwithstanding the Opinion of some to y^e^ Contrary, but is so great an aggrievance that we must take leave to assure thee of our Resolution to Lay it before the Queen, unless thou Prevent it by a speedy Redress, before any other matters be proceeded in.

Thou art pleased to tell us that it appears the Courts may be effectually settled and Justice Duly administered without any of these additions contained in the bill. We shall not now spend time to Trouble thee with the Complaints we find exhibited to the former Assembly, of the Irregularities as well as injustice Committed by some of the magistrates of those Courts, but are intirely of opinion wth those assemblys that the methods proposed by the bill, will be as Rules & Directions to the Justices, & enable them to controul (Instead of being imposed on by the barr, which otherwise, through their want of skill in the Law and Rules and Practice of the Courts in England, they may be Lyable to.

What thou proposes of a more General Jurisdiccon for the Provincial Courts, we are of Opinion is better provided for by the bill we Recommend, than perhaps has been well observed; and for the other two particulars, We are Ready to make the reasonableness and Consistency of them plainly appear.

We are willing, according to the late Example of New York, that after the Courts are Established by Law, the fees be settled in a distinct bill, and shall appoint a Committee to prepare it accordingly; But are not apprehensive of any such Consequences as thou seems to fear, if the bills be passed together, because we conceive it in General to be well warranted by the Laws & Practice of England, as has been evidently made appear to the late Ltt. Govr., by that Assembly, who prepared it.

Upon the whole, if thou art in good Earnest, as we Really are, for the Dispatch of business, We desire that the ordinance (that Stumbling block) may be cast no more in our way; the Continuance whereof so long is ill resented by the Country, but that thou wilt please to send us speedily the objections to the bill, as thou gave us an Expectation at our last adjournment.

Signed by order of y^e^ House of Representatives, y^e^ 18 Augst., 1709.

DAVID LLOYD, Speaker.

Which answer being considered & Debated, it was Resolved, that a message should be sent to them in writing, to observe to them the unsuitableness of the Language they have thought fitt to use to the Govr., wch is agreed on in these words.

The Govr. cannot but think it strange that after the Regard he has upon all occasions shewn to this Assembly, they should think fitt either to threaten him or suspect the Sincerity of his Intentions; to the first he says he will always discharge his Trust according to the best of his knowledge & ability, and therefore shall not be concerned what applications in relation to his Administration are made to her Majesty by the House or any others. To the next he shall never desire the house to be more in Earnest or to shew more Candour than they shall always find in him; but must exhort ym., as they have a regard for the dispatch of business, & the good of the Public depending on that dispatch, to avoid such Language for the future, until occasion be given.

And Edwd. Shippen, Judge Growden, Richard Hill, Isaac Norris, & the Secry. are ordered to go on the said message, and after Delivering the foregoing in Writing, to Confer with the House concerning the Bill of Courts and the last Messages & Answers in relation to it; but particularly in reply to the last from the House, they are to inform the Assembly; That the Ordinance has not been proposed to the House as a stumbling block, as they Call it, but with this design only, viz: all the essential parts of the bill for the Establishmt. of Courts being brought into the Ordinance, & therefore that consisting only of such parts of this bill, it might be taken as a proper Basis to begin upon, to which such other additions might be made out of the same bill as should appear necessary for Practice.

That to Draw out all the objections to the Bill in writing, & enter into Debates upon them would be such an insupportable trouble and Loss of time that it can by no means be agreed to ; but if the House, as by their last message they seem to imply, are willing to wave all those matters, wch they seemed to do by their answer of the 22d of february, 1706, the whole may then be reduced to a narrow Compass, And if so, it is not to be expected the Govr. should now give his objections to the bill as it lies before, seeing of all those many amendments then conceded to, there has not yet been one made in the bill but it lies before the board almost in the same words it was at first presented. Therefore, if the House is willing that all the rest should be waved excepting those two particulars only then mentioned, the members now sent are Ordered to speak to those heads & acquaint the House.

That as to the Power of Granting Licenses to Publick Houses, the Govr. cannot think fitt to part with it, but desires the matter may be brought into a separate bill, and in that he is willing to agree that no Lycense shall be valid without a Recommendation from the magistrates.

That the method of appointing Clerks, (wch is the 2d head,) is already settled by the Charter, to which the Govr. is willing to add that upon application made to the Govr. by the Court, they shall be removed.

That the other particulars last mentioned in the Govrs. former message may be deferred till other matters are adjusted; that they contain nothing but what the Publick is wholly concerned in, & therefore need not give much trouble, or occasion Loss of time to those who have nothing else in their view, & then adjourned.

At a Council held at Philadia., the 23d of Augst. 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Lt. Govr.

Edwd. Shippen,
Judge Growdon,
Griffith Owen,
Caleb Pusey,
James Logan, Esq'rs.

Richard Hill,
Isaac Norris,
Saml. Preston,
Antny. Palmer. Esq'rs.

Pursuant to an Order of the 16th Instant, the Sweedish minister, A. Sandal, appeared by an address to this Board in writing, gave his answer to the Petition & Complaint exhibited against him by B. Chambers, which being read, it appeared, that the said minister, claimed a right to erect a fferry there on this side of Schuylkill, because the road & Causeway leading to the ferry is laid out thro' his land; & further Charged B. Chambers with a violation of his contract, with making spoil of the timber on the Land which he had taken of the owners thereof on this side of the River, with Divers other allegations in his own defence.

But the Govr. and Council taking into Consideration, that Roads when once laid out for the Publick Service according to Law, are no longer the property of any particular person, but belong wholly to the Publick, & the Road leading from Philadia. to the said ferry, being generally called the Queen's Road, is therefore wholly under the Cognizance of this Board; and further, considering that all ferries upon such Publick Roads are a Privilege of the Proprietor, only by Virtue of the Royal Grant to him & his heirs. It is therefore unanimously y^e opinion of the Govr. and Council, that neither the said minister, Andrew Sandal, nor any other person claiming a Right or Interest in the Land through which the said Road is laid out, has any better right to y^e Road or y^e adjoyning ferry than any other of the Queen's Subjects hasor can claim to the same, and that no person under any pretence whatsoever; shall be allowed to erect a Publick ferry over the River Skuylkill, or any other water in such Roads as aforesaid, but by the special Grant of the Proprietor & this Board. Adjourned.

At a Council held at Philadelpia., the 25th of Augst., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Caleb Pusey, James Logan, Richard Hill, Esq'rs.
Isaac Norris, Saml. Preston, Antny. Palmer. Esq'rs.

The bill of Courts being yesterday returned to the Govr. by the House, amended as far as they thought agreed with their engagements; those amendments were viewed & Considered, but found not at all to come up to the Expectations the House had given the Govr., and the members sent to their House who held the last conference.

'Tis ordered, therefore, that Edward Shippen & Caleb Pusey go on a message from the Govr. and this Board to the House, & acquaint them.

That as well from their late messages as the Conferences had wth them, it was understood they had intirely dropt all those matters that had been objected to in the bill of Courts, in febry. 1706, saving only two heads, wch have since been very nearly agreed on, but that now to the Govrs. great Surprize, after it had remained with them for several days, in Ordr., as the Board expected to be altered according to those objections, they have returned it with but very little variation in those points from what it was before. That 'tis needless to mention what alterations are expected, being all contained in a message to the House, dated the 15th of febry. 1706, all which but the two before mentioned they were obliged to Coñcede to; And hereupon, the said members are Ord'd. to press the House, without any further Loss of time, to put out of the bill all that was then objected to, & Consider also what further alterations may be necessary to be made for the good of the Public.

That the Board has not yet had time to peruse the bill of fees, but in general find them so exceeding Low, that it will be an oppression to the officers to agree to any such.

And then adjourned.

At a Council held at Philadia., ye 31st of Augst., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Saml. Carpenter, Joseph Growdon, Caleb Pusey, Esq'rs.
James Logan, Richd. Hill, Saml. Preston. Esq'rs.

The Assembly having this day sent back the bill of Courts to the Govr., with several amendmts. by them agreed to, and two other bills, the Secry. reported to the board, that after the two members of

Council, in pursuance of the Ordr. of the 25th Inst., had been with the House and Delivered their Message, they had sent to the Govr. desiring an acct. from him of what parts of the bill he thought further required their amendment; that thereupon, the Govr. had ordered Caleb Pusey & himself to go on a message from him to the House, & from the message from this Board of the 15th of febry., 1706, to point out to them those heads that were then objected to, and expected to be amended by them according to what had of late passed between this board, and them both by Written Messages and Verbal Conferances, but had not yet been complied with; that accordingly they had drawn out all those heads, and not only deliv'd their message on the 7th, (on Saturday) last, but had treated with the House the greatest part of all the forenoon of that day upon those heads; That two days after the House had again sent to the Govr., to know expressly how many of those heads were still insisted on, and what amendments the Govr. expected should be made to the bill before he would agree to it; that by the Govrs. Order, he had drawn out in writing all those matters in the said Bill that were objected to in febry. 1706; and further to shorten the business, had shewn them what alterations, in Express terms, would satisfy the board; That now the House, in answer to those objections, had returned the bill and agreed to most of all those amendments that had been proposed, and their written message of this day was read in these words, viz:

The Assembly's Message to the Govr., sent him the 30th day of the month called August, 1709.

May it please the Govr.:

The answer of the Assembly, to the amendments proposed by thee and sent to the House this morning, are noted in the margin of that Bill; And as for the other matters recommended to be considered for the Genl. good, viz: Judgments at 6 weeks Courts. The House is of opinion, that it will be more for the Dispatch of business, and help Credrs. sooner to their Debts, that it remain as proposed in the bill.

As to that of freeholders, the House conceive there is sufficient Provision made in the Bill against the Danger supposed. The House agree that two Judges in Equity be appointed.

And that the Govr. appoint the times of the sitting and Continuance of all the Courts, and Cause the blanks in the Bill to be filled accordingly.

DAVID LLOYD, Speaker.

The several amendments proposed to the House being partly in words only, but principally in the matters formerly objected to, viz: The Seal of the Supream Court to be the Provincial Seal, 2d Judges, 3d ffines, 4th Powers of the Corporation, 5th Lawyers, 6th upon arresting of freeholders, abatement of the writt to be sufficient, 7th Credrs. not to sue twice, 8thly Real Lease & Ouster not to be introduced, 9thly all writs to issue out of the office, 10thly The Orphans' Courts; besides which it was recommended further to the House to consider whether it would be safe that Judgment should be given at the 6 weeks Courts; That no Capias ad Satisfac. should be granted against a freeholder till Nulla Bona returned; That one Judge should Determine matters in Equity, and further proposed that the times of holding the Courts of Philadelphia should be altered.

And the several amendments noted in the margin of the bill, to which the House by their last message directed, being viewed, it appeared that they had agreed to most of all these ten heads objected to, & amended them accordingly; Only the 5th in part, and 6th in the whole, they could not consent to; had made no alterations in the 9th, nor in the 10th about Orphans Courts, which was Conceived to be only an omission, and hereupon

The sd. 6th Article was debated, and agreed to, as the House proposed it; that of giving Judgmt. at the 6 weeks Courts, was debated, & agreed to, as the House insisted on it. That of the Cap. ad satisfac. against freeholders was debated, and agreed to, as the House insisted upon it; But the amendment to the 9th article, that all writts shall issue out of the Clerk's Office, is unanimously insisted on by the whole Board; and if the House will not agree to the amendment proposed to the 5th, 'tis Resolved that the whole Clause concerning attorneys or Lawyers, shall be left out; The amendment to that of the Orphans' Courts being according to the former proposal of the House, is insisted on. Ord'd., that Caleb Pusey & Saml. Preston go in a message to the House in the morning, & acquaint them with these last Resolutions of the board, & also that they further inform them that the Govr. agrees to the adjournmt. proposed, but desires that a Committee be appointed to Joyn a Committee of this Board, to Consider & agree upon the bill of fees before their next meeting, and that their other bills not being yet fully considered, may be by that time.

The bill for naturalizing of Divers Germans, requiring Dispatch, was read and Ordered to be returned to the House by the same members that are to carry the foregoing message, who are to recommend it again to y^e House to Consider whether it be safe to make the naturalization so extensive.

Ordered, that the bill of Courts be perused in the morning by R. Asshcton, &c., & the Language & Expression of it be fully Considered by them.

Ordered, that all the Officers in the Govmt. whose fees are mentioned in the bill of fees, do forthwith bring into this board an acct. of fees now taken by ym. in the respective offices.

John Sotcher of the County of Bucks, presented to the board an address or Petition of the magistrates of the said County, Grounded on divers presentmts. of the Grand Juries of that County, complaining of the great want of a ferry over Delaware, from Bristol to Burlington, and requesting this Board to authorize the said John Sotcher as the most proper person to keep the said ferry for the General accommodation of the Countrey there.

Ordered, that it be first Recommended to the House of Representatives, and it is hereby recommended to them, to agree on an act to be passed, for Establishing a ferry from Bristol to Burlington, in such a manner as may give sufficient Encouragement to a fitt person to give it due attendance at all seasons, after wch the sd. Jno. Sotcher shall be appointed to keep the same as requested.

The Secry. Represented to the Board that having on the 20th of y^e 5th month, 1708, presented to the Board an acct. of the Charges of the Onondagoes Indians last visit to us, amounting to £15: 1: 1. which was allowed, and Ordered to be pd.; he now found by Jno. Moore, the Collrs. acct., from whom he had the principal of y^e goods then presented to them, viz: Stroudwater & Stockins, that he had undercharged in one article 16 shs. & in another 9 shs. less than he himself was obliged (as he now found) to pay, and therefore prayed that the Treasurer might also be ord'd. to pay the said 25 shs., & place it to the same acct. with the rest; and accordingly the Treasurer is Ord'd. to pay the Secry. the said 25 shs.

The Secry. also laid before the Board an acct. of the Charges of last Indian treaty & Journeys relating to it, amounting, besides the present furnished by the Assembly, to £24: 7: 10: of old Currency, or £18: 6 new, of which the Assembly having Ordered £15, the Treasurer is Ordered to pay the same to the Secretary, and application is Ordered to be made to the Assembly for the Remainder, & then adjourned.

At a Council held at Philadia., the 14 of Sepbr. 1709.

PRESENT :

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Griffith Owen,
Caleb Pussey,
James Logan,
William Trent, Esq'rs.

Richard Hill,
Isaac Norris,
Samuel Preston
Antny. Palmer. Esq'rs.

The Govr. having on the first instant. recd. a message from the Assembly, who that day adjourned, it was read in these words, viz:

Sepbr. y^e 1st, 1709.

A message from the Assembly to the Govr.

As to the clause about attorneys, It's agreed to be wholly omitted, and that the laws about Courts, Proceedings & Summons, made in the Year, 1700, & not repealed by the Queen, may be enforced, which will better suit the minds of the people.

The clause formerly razed in the Provision made for the arresting a freeholder not worth £100, is agreed to be kept in the bill, as desired, Judgmt. in the 6 weeks Courts, is still insisted on as in the bill, but we make at least two Justices requisite to sitt in those Courts.

We find the issuing of Process as formerly more agreeable to the Bill, as it is to the Law of this Province, passed in 1700, directing the forms of Writts not disallowed by the Queen.

That of the Orphans' Courts is already amended, according to the Assembly's answer of the 22d of febry., 1706. A Committee is appointed, according to the Govrs. request, who is ordered to attend him or such as he shall appoint, to confer upon the bill of fees, upon notice from the Govr., which the House earnestly desires may be this afternoon.

After which the Board was informed, that it being impracticable that day for yᵉ Comittees to meet, the Assembly, adjourned for 3 weeks, ordering first that the Bill of Courts, which they understood was fully agreed to by the Govr., should be Ingrossed against their next meeting.

But the days for holding the several Courts, which the House had left intirely to this board not being concluded on; 'twas order'd that the days for holding all the Courts, should be the same that are appointed by the Ordinance, only that the times for holding the Courts of Common Pleas in Philadia., being represented to be inconvenient as at present settled, it was left to the Justices of that Court & the officers to consider of more proper times.

It is also ordered, that Robt. Assheton Consider the Language of the said Bill carefully, and remark such parts of it as may be convenient to be altered on that score, and that the clauses directing the issuing of Writts & Process be left to be further considered, but that the bill in all its other parts be engrossed forthwith to prevent Loss of time.

At the instance of Coll. Evans, an Indian boy called Mingo, said to be imported into this Province, contrary to the Act of Assembly, intituled an act to prevent the Importation of Indian slaves, passed in the year 1705, Was presented to the Board to be disposed of according to the Directions of that act; But no Evidence being produced how he was imported, the matter was referred.

At a Council held at Philadia , yᵉ 23d of Sepbr., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Judge Growdon, Caleb Pussey,	Esq'rs.	James Logan, Richd. Hill, Saml. Preston.	Esq'rs.

The Govr. informed the Board, that Yesterday he had received a long Verbal Message from the Assembly, being now mett according to their last adjournments, in which they particularly desired that the Bill of Courts might be Expedited, their time being now very short.

They severally taxed Robt. Asheton for presuming to make alterations in the bill without any sufficient authority, and moved that a committee might be appointed to confer about the bill of fees to which he promised them an answer, & now Desired the opinion of the Board what answer should be sent them.

The issuing of writts was again considered, and it is resolved, that it should be proposed to the house only to invest a Power in the Justices to grant them, but not that it should be required of them. It is Resolved, that a Committee be appointed to confer with another of the Assembly about the bill of fees. That the House be put in mind to amend the clause in the bill of Courts about Orphans, according to the objection made in relation to the Orphans Courts in febry., 1706; But that before any business be fully concluded with the House, they should be put in mind that 'tis Expected they should proceed in the bill for a supply & y^e^ support of Govmt.

Ord'd, that Saml. Preston & the Secry. Carry the said message to the House, & then adjourned.

At a Council held at Philadia., the 26th of Sepbr., 1709, at Judge Growdon's.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Judge Growdon, Capt. Saml. ffinney,	Esq'rs.	James Logan, Saml. Preston.	Esq'rs.

A Conference having been proposed by the Govr., to be held between a Committee of this board & another of the Assembly, in order to settle the bill of fees, which was appointed on the 7th, or Saturday last, but then Could not be held this day; the speaker of the House, with about Eight members more, mett the Council; and the Govr., Recommending to them both to take the bill under their serious considerations, and to endeavour so to adjust the fees of all officers, that on the one hand the people who had business at the several officers might not be oppressed, and on the other that sufficient pay might be allowed to the officers such as might duly encourage & support them; he withdrew, & left the committees to Confer together.

Several of the officers fees were debated, the attorney Genl. being sent for, appeared & shewed the great absurdity of the bill where it related to him; the Master of the Rolls, Keeper of the Seals, & Secrys. fees were adjusted & settled, and then y^e^ Council adjourned; and it was resolved, that the conference either should be Continued with the assembly, or that the council should of themselves draw over the fees as they thought them reasonable, & send them to the Assembly, but neither the one nor other was done.

At a Council held ot Philadia., the 28th of Sepbr., 1709.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Judge Growdon, James Logan, Esq'rs.
Richard Hill, Isaac Norris, Saml. Preston. Esq'rs.

The Govr. informed the Board that he had reced. some very pressing messages from the Assembly to bring the matters in hand to a Conclusion; that they had yesterday told him the bill for a supply was ready, which they would present to him when he had passed the others before him; that some of the House had desired his Company to a Glass of wine at a Tavern in the Evening, that they might shew him the bill there; that he had accepted their Invitation, and went to them at the Bull head, where they offered him the Bill to peruse, but that he had refused to take any notice of it unless they would present it him regularly, to be laid before the Council, which they had promised to propose to the House, and if it were agreed to, he should receive it this morning; but that being now far spent, and nothing further being heard from them, the Govr. desired the advice of the Board what measures might be proper next to take, which being debated a message in writing was Resolved on, wch being drawn up, was read and agreed to in these words:

A message from the Govr. to the Assembly, Sepbr. ye 28th, 1709

GENT:

I Could have wish'd that such Dispatch had been made in the Bills under Consideration, that they might all have been past before the rising of this present Assembly; but I perceive there are none as yet in a sufficient Readiness, besides the bill for naturalizing the Germans.

The bill for Estalishing Courts, being contrary to Directions filled up in that part which directs the issuing of Process otherwise than has been agreed to, so that it must be altered there before I pass it; the bill of fees which ought to accompany the other, has been under a serious Consideration, and it appears that many of them are proposed by the Bill lower (Besides the allowance for difference of money,) than those settled many years ago, by a Law regulating all the fees belonging to the officers of Courts, which Law I find it still in force, & has been approved (as I am told,) by the Queen; besides that by this bill also some of the fees, as the Sherifs in all Criminal Cases, seem to be intirely omitted. But as the fees of all other officers ought to be Established by Law, I am very Desirous a bill should pass for them all, which since the narrowness of time will not allow to be now done, I hope it will, notwithstanding at the first meeting of the next Assembly, which now draws very nigh, and to that time I shall also refer the other bills before me.

But now Gent., I must be so plain as to tell you that tho' I have been very desirous to see all those matters brought to a Ripeness, that they might actually be passed into Laws; Yet untill I see the Countrey as ready to discharge their Duty in providing for my support in the administracon, Independent from any supply from the Proprietor, who as I told you before, Cannot now (were it even Reasonable,) spare any part of his Estate here, to that purpose. I shall account myself very unjust to that Duty I owe my self if I concur in any other act in Legislation, tho' truly inclinable to do all for the advantage of the Publick. that can in reason be Expected from me. But a Govr. cannot lie under a greater obligation to the People, than they do to him, Nor Can that be accoun'ed a free Gift from ym. which is but their indispensable Duty, for at this time there is no support for a Govr. in this Govmt. but what must be granted by an act of Assembly.

You told me that you had voted £500 to the Queen, £300 for the service of the Publick, & £200 to me, & you have lately further informed me that when I had Pass'd the other acts, the Speaker would present a bill to me for raising that money. 'Tis possible when the others were past the Speaker might do so, but Can it in reason be Expected that while you show so unpresidented, & unusual Diffidence on your side, y^t you would not lett me see the bill but in private, nor allow that it should upon any terms be Communicated to the Council with whom I am to advise, (tho' you cannot but be sensible that should I design it, yet it is not in my power to pass a bill into a Law untill the Speaker has signed it, which is usually done at the time of passing it,) Could it be Expected I say, that I should first pass all that you desired of me, and yn. depend on your presenting that bill; Or can it be thought reasonable, or for the security of the Publick, that I should pass an act for raising and applying £800 to several uses, besides those £200 said to be granted to me, without taking proper advice upon it of those whom the Discharge of my duty, as well as my Inclination obliges me to consult in all publick matters; nor that I should have it in my power to object to or alter any one part of the whole Bill after 'tis presented. No, Gent., as I have no designs but what are plain and honest, so I must Expect a suitable treatment; and therefore, I now desire you faithfully to lay before, the people whom you represent, and to whom you are returning what I have here said to you, and upon this occasion assure them from me, that unless they take care to grant a Requisite support, and in such a manner as is fitt te be accepted, I shall not at all think myself concerned to attend the affairs of the Publick in Legislation, & what measures the Proprietary will find himself obliged to take at home, I have formerly sufficiently hinted to you. But as I shall not be wanting on my side to Concur in any thing that reasonable, So I hope the next time I meet the Representatives of the people, We shall have such confidence in each other, & they will so far consider their Duty, & take such methods for effecting business, that all things necessary may be Concluded to our mutual satisfaction, & for the true advantage & benefit of this province.

Ordered, that I. Norris and the Secry. delivered the said written message to the House as soon as it can be Transcribed, & desire the Speaker to sign, & bring to the Govr. the bill for Naturalizing the Germans, that he might give his assent to it.

At a Council held at Philadia., the 29th of Sepbr., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Lt. Govr.

Edward Shippen, Griffith Owen, James Logan,	Esq'rs.	Isaac Norris, Samuel Preston.	Esq'rs.

The Govr. acquainted the board, that last night the Speaker attended with several members of the House, brought him the Bill for naturalizing the Germans, which he now desired to pass, and accordingly he was pleased to give his assent to the said bill, being Intituled an Act for the better Enabling of Divers Inhabitants of the Province of Pennsylvia,. To Hold and Enjoy Lands, Tenemts. and Plantation in the same Province, by which are naturalized the persons following, vizt.; ffrancis Daniel Pastorius, John Javert, Caspar Hoodt, Dennis Kunders & his three sons, Cunrad Cunrads, Matthis Cunrads & John Cunrads, Dirk Keyser & his son Peter Keyser, John Lurhen, Wm. Strepers, Abraham Tunnis, Lenhart Arrets, Reiner Tysen, Jno. Lenson, Isaac Dilbeck & his son Jacobus Dilbeck, John Deeden, Cornelius Siorts, Henry Sellen, Walter Simons, Dirk Jansen, Junr., Richd. Vanderwerf and his son John Roelofs Vanderwerf, John Strepers, Senr., Peter Shoemaker, Jacob Shoemaker, Geo. Shoemaker, Isaac Shoemaker, Matthis Van Bebbez, Cornelius Vandergach, Peter Clever, George Gattschik, Paul Engell & his son Jacob Engell, Hans Neus Reiner, Vander Sluys & his son Adrian Vander Sluys, Jacob Gaetshalck Vander Heggen & his son Gaetshalk Vander Heggen, Casper Kleinhoof, Henry Bucholtz, Herman Tuymen, Paul Klumpges and his son Jno. Klumpges, John Neus & his son Matthis Neus & Cornelius Neus, Claus Ruttingheysen, Caspar Stalls, Henry Tubben, Wm. Hendricks and His son Hendrick Hendricks & Lawrence Hendricks, Henry Kessleberry, Johannes Rebanstock, Peter Verbymen, John Henry Kersten, John Radwitzer, John Cunrads, Senr., John Gorgaes, Senwes Bartells and his son Henry Bartells, Jno. Krey and his son Willm. Krey, Cunrad Jansen, Claus Jansen & his sons John Jansen & Wm. Jansen, Evert in Hoffee & his sons Gerhard in Hoffee, Herman in Hoffee & Peter in Hoffee, Peter Jansen, John Smith, Thos. Echlewich, Johannes Scholl, Peter Scholl, Gabriel Senter, William Puts & Matthis Tysen, all of the County of Philadia., & Johannes Bleikers of the County of Bucks, which Act was Ordered to pass the Seal, when the persons concerned or any in their behalf should appear & pay the Charge, & then adjourned.

At a Council held at Philadia., the 14th of Octobr., 1709.

PRESENT:

Edwd. Shippen,
Saml. Carpenter,
Caleb Pussey,
James Logan,
Esq'rs.

William Trent,
Richard Hill,
Isaac Norris,
Saml. Preston.
Esq'rs.

The Govr. having, when last at New Castle, received an Order under the Proprietrs. hand & Seal, dated the 20th of April, 1709. It was read in these words, viz: William Penn, Propr. Govr. in Chief of the Province of Pennsylvia. and Counties of New Castle, Kent & Sussex, upon Delaware.

To Coll. Charles Gookin, my Ltt. Governour in the said Province and Counties, & the Council of the same, Greeting:

Whereas, I have been given to understand by the Petition of Anthony Howston, that one Wm. Howston, brother of the Petitr. became bound with one Thos. ffrench to your immediate predecessor, Coll. John Evans, in the Penalty of Two Hund'd. pounds, money of England, Conditioned that if the said Thos. ffrench was married according to the method used in the Church of England, in pursuance of a Certain marriage License granted by the said Coll. Evans for that purpose; Then the sd. Obligacon to be void, or else to stand in full force. And Whereas, the said Thomas ffrench, as it was suggested sometime after, was married by a Presbyterian ministr. after the method used in their Congregations, as he Lawfully might be, as well by Virtue of the Act of Tolleracon in Engld. as by the law of Liberty of Conscience in Pennsylvia. Therefore, the said Coll. Evans put the said bond in suit, obtained a Judgment, & had Execucon awarded against the body of the said Wm. Howston, which was Executed, and he is now in Custody, as it is said for Non payment of the said Penalty to the said Coll. Evans. But for as much as this seems to me to be inconsistent with the fundamental Constitution of my Province & of Liberty of Conscience, the great Inducement to most of the people to settle the same, & may prove a means, if Countenanced, to Detard & hinder many families hereafter to Transplant themselves amongst us, when Liberty of Concience they hear has been Infringed in so main a branch. I do therefore, by these presents, as far as in me Lys, Give, grant & Release, and have hereby given, granted, and Released unto the said Wm. Howston, his Heirs, Executors, administrators & assigns, the sd. Bond summ of money, Penalty & Judgement, & execucon so had awarded & Executed agst. him & upon him the said Wm. Howston as aforesaid, authorizing & requiring you the sd. Coll. Gookin & the Council, by all Lawful ways & means to free, deliver & sett at Liberty, or cause to be freed, Deliver'd out of Prison, and sett at full Liberty from the Execution & Judgment aforesd., the said Wm. Howston, as also to Cancel, make void and Deliver up the said Bond if in being, & to be found to the intent, that the proceedings aforesaid may not be made use of as a president, or put in practice again to the prejudice of the Religious Liberties of any of the Inhabitants in my Government; Which I will always to the utmost of my power preserve & Inviolably maintain; and further, it is my mind that you give Directions that all Publick Bonds be taken in my own name, and made payable to me, Except in those Cases wherein the Law Directs ye Contrary; fail not of Executing the Premises, for which this shall be your sufficient Warrant & discharge.

Given under my hand and Seal at London, the Eighth & Twentieth day of ye second month called April, In the year of our Lord, 1709.

WM. PENN.

Upon which said order of the Proprietors the Govr. desired the advice of the Board, and the same being taken into Consideration and debated, it was the unanimous Opinion of the Board, that the said Order ought by all lawful ways and means be complied with; and all possible relief procured to the prisoner who had now been long Deprived of his Liberty for no act or fault of his own; but that in the first place Coll. Evans ought to be applied to, that he might of himself give the Complaint. the relief he so much Languishes for the want of, and accordingly he requested to apply to him.

James Logan, Secry., represented to the Board that the Last Assembly, instead of answering his Repeated Requests to be heard, to which he had used all possible means to induce them, had on the last day they sate, & the last but one they could sitt, exhibited to the Govr. a Certain Remonstrance, in which were Couched the severest Invectives against him; wch Remonstrance they had Caused to be read at the time of the last Election of members of Assembly in the Counties of Bucks and Chester, and published it in the Coffee house in Philadia., by which he had been most scandalously abused, & the Council not having sate before since the Govr. received it, he ordered it to be read, wch was done accordingly.

To Charles Gookin, Esqr., Lt. Govr., of the Province of Pennsyvania.

The Remonstrance of the House of Representatives of the said Province, In Assembly mett, the Twenty Eighth day of September One Thousand Seven Hnndred and Nine.

May it please the Governour:

The Extensive powers of thy Commission & the good thoughts we conceived of thy Character, gave us Incouragement to propose such Bills for thy Concurrance as might in some measure remove the oppressions & abuses Introduced by the Irregularities of the late administration; And altho' we find thou Exprest thyself willing to do all that is proper on thy part, in Order to make the people Easy; Yet to our great Dissatisfaction, we understand that by certain Instructions from the Propry. those powers of thy Commission are so Restricted, that thou cannot pass any bill into a Law, Without the approbation or advice of thy Council, Who being under no obligation to attend; We need not tell the Govr. how the business of the Country is by that means Retarded, And all our pains & Endeavours for the Public good Rendered ineffectual, Which we hope will incline the Govr. for the future to Adhere to the Powers and Directions of the Royal Charter, Which Gives him and the Representatives of the People the whole Power of Legislation in this Province, And admitts of no such Absurdity as to sett up a council of State to Act in Opposition to those that Represent them.

We can with great Sincerity & Satisfaction say that we have used the utmost of our Endeavours to provide for the support of Govmt. as well as to settle the People in their Just Rights, Regulate the Courts & ascertain the officers fees, As appears by the several bills lying before the Govr. vizt: The bill intituled An Act for Establishing of Courts of Judicature in this Province; An Act for Regulating & Establishing fees; An Act Confirming Patents and Grants, & to prevent Law Suits; An Act for impowering Religious Societys & Towns, &c., to buy, hold & dispose of lands &c.; An Act of Privilege to a freeman; An Act to oblige Witnesses to give Evidence, & to prevent false swearing; An Act to prevent the Sale of ill Tann'd Leather; An Act that no public House or Inn within this Province be kept without License; An Act against Menacting & assault & Battery; An Act to prevent disputes which may hereafter Arise about the dates of Conveyances & other Instruments & Writings; A Supplementary Act for the more effectual Raising Levys in the several Countys of this Province & City of Philadia., & Appropriating the same; An Act for the Priority of payment of Debts to y^{e} Inhabitants of this Province; And though the said bills are for the most part Adapted to the Govrs. mind and cleared of what was materially objected, And the supply bill ready to be presented, Yet none of them like to pass without the Concurrence of the Council, as we are now given to understand. Had we known before that the Govr. was so Restricted as we find he is, We would not have given him and ourselves the Trouble we have done, ffor so long as the Secry. has so great an ascendant in the Council, & a Rooted aversion to some of us, we can expect nothing but obstruction at that board, unless he is assured of an Equivolent, as some call it, or that application be first made to him; for it is too notorious That what has not Inception or Allowance from him does not succeed there.

We have Just Grounds to conclude y^{t} the Influence wch that Evil ministr. (y^{e} Secry.) has had upon the present & late Govr. is the Great Cause of the obstruccons y^{t} this & the late assemblys mett with, and the End and Design thereof can be no other than to Weary the Representatives and bring the People into a Dislike of the Constitution, Or Lay them under a necessity to Elect none but such as shall be according to the Secry's. own heart to Comply with his dictates and Connive at his Irregularities in Govmt. and oppressions of the people; for if any presume the Contrary and stand for the Just Rights of the People, And Claim the performance of the Proprys. promises; or offer to put a Construccon upon his Charters & Grants further or otherwise than the Secry. thinks fitt to allow, he takes effectual care to stage them as Enemies to the Proprietary, who it seems is so weak as to give too much Creditt thereunto, And not regard the Repeated Crys of the Countrey against his Secry., signified by Assemblys Representations & Addresses, both to the Propry. & his Lts., from time to time; But believes the Contrary Relation, of the Secry. with some others, drawn in by him to Confront the Assembly's opinion & most Candid advice to reduce that Evil minister to a station where he might be serviceable to his Mr., So that he is now advanced above the Reach of our complaints, to the manifest prejudice of the Publick Weal of this Province, And of yᵉ Proprietary's true Honour & Interest.

And being thus Elevated, he seems to fforget (if ever he knew) how to Behave himself towards the Representative Body of the People, Constituted by the Royal Charter, and duely Elected by the ffreemen of this Province, whom he has treated with very opprobrious language, rendering them made up of knaves & fools, & their proceedings Villainous.

But to shew that his Insolence and scurrility were yet more boundless, and that his Endeavours should not be wanting, (according to his wonted practice) to Divert & obstruct the Assembly in matters of Legislation, whereby to render them odious to those that sent them, & Leave the Countrey to Languish under oppression, he exhibited a paper to the Govr. on the 7th of May last, which being communicated to some of the Assembly, they brought it to yᵉ House the same day, And it being then read, was ordered to be read again; When the bills then before us were made ready for the Govrs. Concurrence, Which being now accomplished on our parts, we proceed to the Consideracon of the said paper, where the Secry. takes notice of our first address to the present Govr., & of the articles of Impeachmt. formerly exhibited against him by yᵉ then Assembly; And after he spends some of his animadversions on that procedure, he would not have himself or others believe that yᵉ said Impeachmt. was the true sense or act of the Countrey where he lived, And which he served. If he means this Countrey, where the said Impeachment has been proved & made Publick, The people by their Choice of the same Representatives again (had it wanted such Confirmation) have sufficiently owned it to be their act & true sense, And an Indication how he served them.

In the next place we observe that after he has cast his vile & wicked aspersions upon that Assembly, most falsely Insinuating how some of them were led to believe themselves to be really in the Discharge of their Duty, when at the same time they were but paying Incense to the malice of their managers; He proceeds to say that having just Ground to hope that tho' the Propry's. misfortunes at the time render'd him in the Judgment of such men, (meaning the men of that Assembly,) more fitt to be attacked and run down in the common Hunt; yet a kinder Providence would display itself in his favour, He was very unwilling to give himself the Trouble of an answer or Defence.

Now may it please the Govr., what can be Inferred from this passage, Abstracted from the Baseness & Indecency of the Language; But that this Evill minister would Involve his Mr. in the Guilt of the miscarriages wherewith himself is charged, or that if his Mr. surmounted those misfortunes he was sure to be protected, & not brought to answer; Nay he brings it to his own discretion whether to answer or no; However we find that he Refused to give in his answer, & the then Lt. Govr. declared that he had no power to try him upon the said Impeachment, notwithstanding he had appointed the time & place of Tryal, Where the Assembly attended, and brought their proofs against him.

It's true we have used Endeavours to sett that Prosecucon. on foot agst. the Secry., And were ready to prove the said Impeachment; As well as same other things which we have to lay to his Charge; But finding the Govr. of the same opinion as was formerly advanced against such Tryals, We waved any further Debate on that head, being Willing to Give all the Dispatch we could to the said Bills. However we could do no less than Desire the Govr. to Remove him from his Council; But to our great Disatisfaction he is still Continued, And has been Imployed upon Conferences & messages to this House, Which we take to be the more affrontive, since he has had the Impudence to write that most scandalous & malicious paper agst. the Representatives of the People.

We Exhibited Complaints agst some of the Justices of Bucks County, who have been discharged by y^e Govr. & Council, without giving us any notice to prosecute or make good our Charges against ym., and this is that part of the Legislative authority Concerning the Impeachmt. of Criminals defeated, & the Extorcons, oppressions, & Irregular proceedings of such magistrates & officers as are in favour with y^e Secry. Escape without Punishment.

Nevertheless we have yet so much Dependence upon the Govrs. Justice, That he will not leave the Countrey thus to Languish under those abuses & oppressions; And we Expect that he will for the good of himself and the Countrey, speedily shake off those Evil Instruments that prevail upon him to take no Due Notice either of the Complaints, or the advice of the Assembly; And since our most Earnest & ffrequent Applications & Endeavours for Redress of y publick Griveances are become of no Effect at present; We can do no less than lay open the miseries and confusions the Country is fallen into, As well as the many Refleccons cast upon this, & the late Assembly's Patiently Waiting for a Relief, Hoping y^t the Govr. will duely Consider that y^e Constitution of this Government has so united the two branches of the Legislative authority that such as would Defeat that part wherewith we are Entrusted, must thereby bring the other to ruin.

May it please the Govr.: Before this Remonstrance was finished we reced. thy written message, Dated this day, wch clearly Demonstrates how we have been trifled with this session, and what prevalence the pernicious Counsel of the Secry. & Robt. Assheton has had upon thee. We have already shewed the malevolency of the one, and there need no more proof of it than his own Paper; But as for the other, he has given us just occasion of Resentment by presuming, without any Order or Direccon from the Govr. or Assembly, to ffoist in & putt out of the bill of Courts several matters never proposed before, which served to no other purpose than to make it subservient to his own particular interest, whereof we should have taken further notice had there been time for it.

It is true, the Govr. (as we believe by the Influence of the said Assheton,) signified, that he would have the Process Issue out of the Clerks Office and not from the Justices; But when y^e two members of Council, whom he sent to Confer with us upon that head, understood our Reasons and Considered the Law now in force, which directs the Issueing of Process as we propose by the bill, they promised to use their Endeavours to satisfy the Govr., and thought it would be no further objected.

As for the bill of fees, we could never yet get the officers to give us acct. of the fees they now take, nor had we the Govrs. Objections to that Bill, notwithstanding it was presented for his Concurrence the Twenty fifth day of Augst. last.

As for the supply bill the Govr. has mistaken our message, for he was acquainted that he might not only see the bill himself, but shew it to any two or three of his Council, or such others as he thought fitt to advice with Excepting none but the Secry.

And as for the other Bills referred to the next Assembly, (but not to pass without a sum of money,) tho' they have long lain before y^e Govr., yet we received no objection to any of them.

But the Govr. was pleased to tell us, that some of the Church of England had shewed their Dislike to the passing of that Bill about Religious Societys, and therefore he must be cautious.

It is a most Lamentable account we have to give the People of the Publick affairs of this Province, for here are pressing applications for supplys to Supprt. the Govr. & Govmt., and for Laying Loads upon the People; but the late Ltt. Govr. & Secry. who reced. great summs, which should have been applyed for Publick service, & taken divers other perquisites of Governmt. are not brought to acct. for the same, Notwithstanding the earnest application of this Assembly in that behalf.

And as to the Publick grievances, they are so far from Redress that we find those that misguide the Govr. by their pernicious advice & Influence as well as the magistrates & officers who are charged with Extorcons & oppression, go on with impunity.

The Religious meeting houses of protestant Dissenting subjects are left Exposed to y^e^ Danger of the statute of mortmain, And all that purchased lands in this province since the year 1690, are left to struggle with the Consequence of ffords mortgage, for nothing was produced to us but a Reconveyance from ffords Trustees to the Propry. & his heirs, Which vests all the mortgaged lands in him as before, which as we are informed he mortgaged again to others, so that those late purchasers will want confirmation; But how to come at it we cannot at present direct them.

The Swedes whose petition against the Secry. We lay'd before the Govr. are come again, having as we are informed, Reced. nothing but scurrilous & Affrontive Language from the Secry. instead of satisfaction.

And now having hinted these few things of the many which might be Innumerated, in order to give thee a view of the mellancholly Circumstances & Condicon of this poor oppressed Collony, We shall leave it to thy serious Consideration, Humbly Entreating thee to use thy authority & utmost Endeavours to Redress the sd. aggrievances, which we think is no way to Effect but by Removing y^e obstructions, which has hitherto rendered fruitless the cordial Endeavours of this Assembly, & Resolving for the future to Concur with the Representatives of the people, in what they shall reasonably propose.

Signed by Ordr. of the House of Representatives N. C. D., the 29th of 7br., 1709.

DAV'D. LLOYD, Speaker.

To this the Secry. said he had prepared a large answer in his own Justification, which he desired leave, if the board thought well of it to read, and accordingly the same was read, and in part as follows.

The Secrys. Justification in answer to the Assembly's remonstrance, presented the Govr. the 29th of Sept., One Thousand seven hund'd. & nine.

When by my address, presented to the Govr. on y^e 7th day of May last, & by him communicated to the Assembly then sitting, I had most earnestly Requested y^t the House might be called on to make good the Charges which a former Assembly had brought agst. me, and the last had Espoused, I could not but be of opinion, that by the method I there took for obtaining this Justice, the House would find themselves in Honour obliged, without Delay, to bring the whole matter to a full & absolute Hearing.

But Instead of the Wished success, all the Effects my Repeated & pressing Instances have been able to produce has been, as it appears, an Amassment of General but scandalous Calumnies with which, under the name of a Remonstrance to the Govr., I have in that paper been most Injuriously Loaded; And this on the very day the session ended, when it was out of my Power to make any answer to ym. in my own Justification.

Had the Assembly, as the Representative Body of the People upon any Belief, whether right or wrong, that I have been guilty of malfaisance in any of my Offices or Injurious to the Publick, been pleased in plain & Express terms to charge me with those offences, & only called for Justice against me, on Presumption that they were able to make good their Charges, I should not have accounted it any great Hardship; on the Contrary, after so much Clamour raised I should Gladly have embraced the opportunity I have so long contended for, to purge off those Loads of Scandal that some have made it their business Industriously to heap upon me.

But instead of this or the Least offer on their side to proceed to the Tryal to wch they were in my last written address, As well as verbal applications so pressingly challenged; the Compilers of that Remonstrance, with one or two managers against me, have prevailed with many honest & well meaning men, (under a false pretence that the Govr. would not admitt of such a Tryal,) to Continue wth all bitterness the use of my name to the same purposes, for wch it has generally been brought by such men upon the stage, which upon a full inquiry & Examinacon, will be found to be not so much a criminacon of me in particular, or a desire that the Irregularities they would perswade the world I had committed should be rectified or restrained. But an attempt of a much higher nature, an Endeavour to bring the Administration as much as possible into an odium wth the People. To this end they choose to Represent me as the principal manager of all publick affairs; they are willing to invest me with almost all the Power & authority in the Govmt., that they may with the greater safety & more specious Excuses attack it in one in my station, which they durst not so freely in the persons in whom 'tis really lodged. That the case is thus, will plainly appear to those who will Consider in what mournful terms they generally deplore the miseries, oppressions, & Confusions that this poor afflicted province (they say) groans under, & very much by the Secrys. means; yet how groundless and mean all their charges are against me, how trifling all the instances they produce of those oppressions; Yet in what bitter Language they speak of them, And what opportunities what chosen seasons they take of noising them abroad. From y^e 7th of May, the day I presented my address, to y^e 29th of Sept., y^e last but one, that House could possibly sitt; Not one word was heard of that address, Nor the least proposal to bring the matter to a hearing; yet in all that time I treated with the Assembly wn. sitting more than any man, and had almost a Constant friendly Intercourse wth them. But Behold, when the day of a New Eleccon was at hand, when to Recommend themselves to the People, it was necessary to talk bigg & sound aloud that usefull Language, (most useful to some purposes,) of Grievances & oppressions, whether Real or Imaginary, no matter in either Case the words carry the same sound, & of the Redress it was wanted, which they had faithfully but fruitlessly Laboured to obtain, that those who were so Quick-sighted as to spy out these Grievances, (and without such an Assembly few or no Grievances would have been felt or spyed out amongst us,) might be thought the fittest, the only persons to Redress them. Then it was, I say, y^t that Evil minister, the Secry., was to be Hawled upon y^e Publick stage, & Libelled in every County of this Province, As if he & the articles against him were to serve only for an Engine to be produced on certain occasions, to scare people into a fright, that they might in that condition be the better managed by the Contrivers.

Rowsed therefore by those Henious Provocacons, I must now after my long silence begg leave to appear, & not only do myself that Justice, but y^e Publick that service, as to unmask these pretences & take off the frightful Vizard, by wch not only the Secry., but by a more artfull Contrivance, y^e administration it self, (as it were Pro hac Vice Lodged in him,) has as oft as there has been occasion for it, been Represented dreadfull & horrid, & the Secry. a monstrous adversary, fitt only for these Combatants to Engage.

This defence of the Secry's. containing divers high Charges agst. y^e Speaker of the last Asssembly, it was proposed that either the whole, or that part of it at least which contained the said Charges, should be laid before the House, who are to sitt this day, that they may fully inquire into them & the Conduct of the Speaker, & take such measures upon it as they shall find the occasion requires; And it is further Judged reasonable that the Secry. should publish his defence, if he think fitt, in all places where his accusations have been seen or heard, & then adjourned till to morrow at 9, to Consider of what may be most proper to Deliver to the Assembly now at their first appearance.

At a Council held at Philadia., the 15th of 8br.. 1709.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Lt. Govr.

Saml. Carpenter,
Caleb Pusey,
James Logan.
Willm. Trent,
Esq'rs.

Richd. Hill,
Isaac Norris,
Saml. Preston.
Esq'rs.

The Council being mett, they took into Consideration what was last night proposed to be now resolved on; And after a long and full debate, It was ordered, that some heads fitt for the Govr. to insert in his speech should be drawn up & forthwth prepared.

A message from the Assembly acquainted the Govr. that the House were mett & ready to present their Speaker, if the Govr. could recd. them.

The Govr. answered that the morning being now near spent, he must defer it till afternoon. The members on the message proposed an adjournmt. till next week, wch the Govr. agreed to, & then they departed.

And yᵉ Council adjourned till next 2d, or Monday morning, at which time those heads of the Speech were to be examined.

At a Council held at Philadia., the 17th of 8br., 1709.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,
Josepn Growdon,
Caleb Pusey,
James Logan, } Esq'rs.

Richard Hill,
Isaac Norris,
Saml. Preston. } Esq'rs.

The Govr. laid his speech before the Board, and Desired the Councils opinion & advice upon it, and being read, after some Debate & amendments, it was agreed to, & a message being sent to call the House, they Came & presented Davd. Lloyd, their Speaker, who observing the usual form, the Govr. spoke to them in these words, viz:

GENT.:

I had great hopes, before the last Assembly broke up, that several Bills then under Consideration, would have been Concluded & passed before the term of that House Expired; but being then disappointed in what I had reason to Expect of them, upon one of the Important heads that I had Recommended in the — day of June last, in Relation to the support of Govmt., I was obliged to defer not only that, but yᵉ other affairs that lay before me till the meeting of the present House.

The Bill for Establishing Courts is very near finished; some progress has been made in the Bill for Regulating fees, & I desire it may be proceeded upon by Conferrences between Committee of the Council & Assembly, as before upon the other three bills, vizt.: the supplementary act for Raising County Levies, the act for Licensing ordinaries, which are all that Lie before me. I shall give you my opinion when the two others are dispatched; But I must here Repeat what I am sorry I have so much occasion given me to mencon, that there is yet no manner of Provision made for supporting the Lieutenancy of this Govmt. from the Propr. were it in his power; It is not reasonable to expect it. I must therefore lett you know, that I cannot but Consider your care of that to be one of the first & principal parts of your present business. I am not, Gent., asking any favour or Gratuity to myself; I put you in mind only of your discharging a Duty so incumbent on you, that without it no Governmt. can have a being. I am sensible some advances were said to be made towards this in the last Assembly, but it is for your honour as well as mine that the bill be such as may become both you & me to concur in.

Gent.: You are called for no other end than to serve the Countrey whom you Represent; I hope therefore you will study all possible means that may contribute to the Real Happiness of that which I believe you will find may be much promoted by Improving a good understanding between you & me in our Respective Stations. I would not willingly look back upon some of the proceedings of the last House, Only from thence I must give you a necessary caution to dwell less (than has been done) on that general Language of Evil Counsel & Counsellours, an artful method Generally used to strike at the Counselled, but wth me I believe without occasion, or that of grievances & Oppressions, words by God's blessing understood by few I find in this Province, who from them not in their own Imaginacon, for I assure you, Gent., if we are not as happy as the circumstances of the place will admit, it Lyes in your power to make us so, of which I hope you will consider & use your Endeavours accordingly, with a Resolution to remove off whatsoever may stand in the way.

I have already said that I should not Look back to the Proceedings of the last House; but the Secretary has found himself so much aggrieved by their Remonstrance, that he has presented to me for my perusal a Long Defence, in which I shall not think myself any further concerned than to observe to you, that to my surprize he has charged the Speaker of that House with some proceedings, which if true, will require your Consideration, and some further measures to be taken upon them, for which reason I have ordered him to Lay a copy of them before you, and I must say, if that Representation be well Grounded, I cannot see y^t under this Govmt., such a person can be accounted fitt for that station; but at present I shall no further inquire into it, Only Recommend to you to proceed with diligence in whatever is incumbent on you in your stations; As well in this as all other matters that may concern the Welfare of the Publick, & Honour of this Govmt. as now Established.

The Speaker desired that those three things that were accounted the Privileges of the House should be granted them, viz: freedom of speech, free access to the Govr., and a favourable construction of their Proceedings.

The Proprs. Order concerning Wm. Houston was again read, but nothing having been done in it, the Govr. was requested again to speak to Coll. Evans before any other measures should be taken.

The Assembly's answer to the Govrs. speech to this House, on the seventeenth of 8br., 1709.

May it please the Govr.:

We shall be ready with all Expedition to proceed upon those Bills mentioned in thy speech, as also the other Bills which we understand were Laid before thee by the last Assembly, vizt.: An Act for Confirming Patents & Grants, &ct.; An Act of Privileges to a freeman; An Act to oblige witnesses to give Evidence & to prevent false swearing; An Act to prevent the sale of ill Tann'd Leather; An Act against menacing & assault & Battery; An Act about the Dates of Conveyance, &c.; An Act for Priority of Payment of Debts to the Inhabitants of this Province, The original Draughts of which are now before us in order to be read and debated. We have also under consideration the supply bill, prepared by the last Assembly, wherein we find due care taken for support of Govmt. and Collecting the arrears of former taxes, without which we hold it unreasonable to Lay a new one. We also find some provision made for a particular Gratuity to thyself, which (Considering thy Charge in coming over, and the disappointments thou mett with since thou resolved on that undertaking,) we think it as Incumbent a duty to Contribute to that charge, as to support a Lieutenancy, which is so Restricted by Instructions or Influenced by ill advice, that tho' the Govr. be ever so well inclined to Concur with the Assembly, in making the People under his Care both Easy & happy; yet we find to our great Dissatisfaction, that yᵉ Secry. pursuing that pernicious Rule, (divide & Govern) Endeavours still to give what Interruption he can to the Publick business, and as much as in him lies to soure the Temper & good disposition of the Govr., & sett him against the Representatives of the People, who are well affected towards him, and are ready with all Chearfulness to support the Govmt. under his administration. But may it please the Govr.: We beg leave to observe that the Duty incumbent upon us to Contribute to this General support of the Lieutenancy, is grounded upon a Condition precedent, so that the People, according to the fundamental Rules of English Govmt. are not obliged to Contribute to yᵉ support of that administration, which affords them no redress when their Rights are violated, their Liberties infringed and their Representative body affronted & abused; Hence it is, That yᵗ branch of the Legislative authority seldom move to give supply's 'Till their grievances are Redressed, & Reparation made for the Indignities they meet with from the other Branch of the same authority.

We are very sensible that the End of our meeting is to serve yʳ Countrey, and we assure yᵉ Govr. there shall be nothing wanting on our parts to promote it, and improve a good understanding between him and us, in our Respective stations; But Let not the Language of the Representatives of the People about Evil Counsel, or Counsellours', Grievances & oppressions, be Irksome to the Govr.; for we shall not answer the true end of our meeting, nor discharge our Duty & trust to those that sent us, if we be silent & not insist upon Redressing those things that are amiss.

With a Resolution to use our Endeavours to Remove what appears to stand in the way, We have with all the application this short time could allow, informed ourselves of the proceedings of the late Assemblies, & find no just Grounds for yᵉ Govr. to suppose that their complaints of Evil Counsel or Counsellours, has been used as a method to strike at him; But we believe it was therefore as we find it to be ours; That the Govr. may be imposed on, or prevailed with to adhere to Evil Counsel, & render his actings inconsistent.

We suppose it needless to be more Express, Than the late Assemblys have been to Demonstrate what an Enemy the Secry. has been to yᵉ Welfare of this Province, and how abusive he has been to the Representatives of the people, so that we can do no less than Repeat the Request of former Assemblys to have him Removed from the Govrs. Council, which we doubt not will be a most Effectual means to improve a good understanding between thee & us.

If the Govr. will look back, & duly Consider the Complaints & Remonstrances of the late Assemblys; It will appear that (Grievances & oppressions) are words which are formed upon just Complaints, and for which the Countrey wants redress, so that what the Govr. supposes on yᵗ head is not Candid towards the Representatives of the People.

May it please the Govr., whatever might be the occasion or Design of the last Clause in thy speech, we are of opinion it was not well timed, for if the Secry's. Charge against our Speaker had any Weight, It should have been propounded as an objection against the Assembly's Choice of him for Speaker; But after thou had declared thy approbation of their Choice, That thou should be prevailed upon so far to patronize the Secry's. Insinuation against the Speaker as to make it a part of thy speech to us, before we had seen or heard the Charge; We can do no less than Resent it as an Indignity offered to this House, for tho' we are men That cannot be much meaner in the Govrs. Eyes, Than we are in our own Esteem, Yet we must put him in mind, That since the Royal Charter Committs this part of the Legislature authority to our care, we ought to have the Regard due to our station.

Signed by Ordr. of yᵉ House, N. C. D., this 18th of 8br., 1709.
DAV'D LLOYD, Speaker.

At a Council held at Philadia., the 9th of 9br., 1709.

PRESENT:

Yᵉ Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, James Logan, William Trent.	Esq'rs.	Isaac Norris, Saml. Preston.	Esq'rs.

Richard Westley, of Lewis, having produced to the Govr. a Letter from Capt. Cook, Commandr. of the Garland, certifying that the said Westley had served 21 days on board her Majesty the Queen's ship, as Pilot, while she was in our Bay, for which service this Govmt. ought to Consider him.

And after a Due inquiry made, 'tis Ord'd. that the Treasurer pay to the said Westley, One & Twenty Dollars, or value thereof, out of the Publick money in his hands, & this Board (the matter being of such absolute necessity) will indemnify him for so doing.

The Govr. having been lately at New Castle, holding an assembly there, he brought up with him three several bills that had been presented to him there, to obtain his Assent, but thought it first proper to have the Opinion of this board; And y^{e} bills being severally read, some amendments were proposed & then agreed to.

At a Council held at Philadia., the 24th of 9br., 1709.

PRESENT:

Y^{e} Honble. CHA. GOOKIN, Esq., Ltt. Govr.

Edwd. Shippen,	Esq'rs.	George Roche,	Esq'rs.
Saml. Carpenter,		Isaac Norrris,	
James Logan,		Saml. Preston,	
Richard Hill,		Antny. Palmer.	

Two members of the Assembly having Come this morning on a message from the House to the Secretary, to require his attendance at the House in the afternoon, deliver'd to him at the same time a Copy of several Resolves pass'd Yesterday, in one of which it was Resolved, N. C. D., that the Secry. should be Committed to the County Gaol of Philadia., & (in the next) that he should there continue during the time of this Assembly, unless he should willingly make satisfaction to that House, &c. Whereupon the Govr. having Called the Council, desired the opinion & advice of the Board what would be most proper in this matter, and it was Resolved, that as the Assembly of this Province have no Jurisdiction nor Legal authority within themselves to committ or apprehend any person, or at least any who is not a member of their own house, & much less a member of this Board, therefore the Govr. ought by all means to protect the Secry., & more especially at this time, when after a long preparation he is ready to imbarque on a voyage to Europe, in order to proceed to London, where the Proprietors affairs appear to require his attendance for the necessary settlement of those of this Province.

Peter Evans, High Sherif of the County of Philadia., having Reced. from the House of Representatives an Order to take James Logan into his Custody, which he communicated to the Govr., & is in these words:

At y^{e} Assembly held at Philadia., the 25th of Novr., 1709.

The House of Representatives did yesterday adjudge James Logan for his offence in Reflecting upon Sundry members of the House in particular, and the whole House in General, Charging the proceedings of this assembly with unfairness and Injustice.

These are therefore in the behalf of the said House of Representatives to Require & Charge thee to attach the Body of the said James Logan, & him take into thy Custody, within the County Gaol of our Lady, the Queen, for the County of Philadia., under thy charge, & him therein safely to detain & keep untill he shall willingly make his submission to the satisfaction of this House, Or of such Order as this House shall take for the same, during the Continuance of this present Assembly; And this shall be thy sufficient Warrt. in that behalf. Given under my hand this 25th of Novr., Anno Dom., 1709.

Signed by Order of ye House, N. C. D.,
DAV'D LLOYD, Speaker.

To Peter Evans, Esqr., High Sherif of the City & County of Philadelphia.

vera Copia Exaita, per P. Evans.

The Govr. in pursuance of ye Resolve of Council of ye 24th Inst., issued ye following order:

Cha. Gookin, Esqr., Lt. Govr. of the Province of Pennsylvania, &c.

To Peter Evans, Esq., High Sherif of ye City & County of Philadelphia:

Whereas, the members chosen to serve in Assembly for this Province, as appears by Certain Resolves, and Divers Expressions used by them on this occasion, as I am Credibly informed, have threatened to take into Custody James Logan, Secry. of this Province, a member of Council for the same, & thereby would prevent his intended voyage towards Great Brittain, whither the Propry's. affairs do Call him, in which he is now ready to Imbarque; notwithstanding it has never appeared that any Assembly in this Province are in themselves invested with any authority to attach any person who is not of their own House, & much less a member of Council; nor is there any Jurisdiccon yet for the Tryal of such as they account offenders against them; And notwithstanding that at the time of making the said Resolves, they were not Legally an assembly, nor for the future can be such, untill I shall see cause to Call them.

Now to prevent any disorder that may arise from such undue & irregular proceedings, I do hereby require & strictly Command you, the said Sherif, that you suffer not the said James Logan to be any wise molested by virtue of any order, or pretended order of Assembly whatsoever; And in case any of the said Assembly or others, under pretence of any authority derived from them, shall attempt to attach or molest the said James Logan in his person, I do hereby Command you to oppose such attachment; And that you by all means in your power, take effectual care that the peace of our sovereign Lady, the Queen, be kept, & all offenders against the same be opposed or Committed as Rioters; for which this shall be your sufficient authority. Given under my hand and Seal of the said Province at Philadia., ye 28th of 9br., 1709.

CHARLES GOOKIN

vera Copia Exaita.
Per P. Evans.

At a Council held at Philadia., the 18th of febry., 1709-10.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Willm. Trent, Esq'rs. Richd. Hill, Saml. Preston. Esq'rs.

Coll. Evans moving to this board that an Indian Boy, Called Mingo, who was imported into this Province about April, 1708, Contrary to an Act of Assembly of this Govmt., may be disposed of by this board, pursuant to the Direction of the said Act; And it appearing that James Heaton, of Bucks County, Claims some property in the said Indian. It is therefore ordered that the said Heaton have notice to give his attendance the Twenty first Inst., at the Hour of two in the afternoon, to be heard if any thing for himself he hath to say in y^e matter.

At a Council held at Philadia., the 21st of febry., 1709-10.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Richard Hill, Esq'rs. Caleb Pusey, George Roche. Esq'rs.

This board having taken into their Consideration the act for preventing the Importation of Indian Slaves, and finding that the act does not prescribe after what manner the Convicon of such forfeitures shall be, are of opinion that the most Legal way is, to proceed in the Court of Common Pleas, & not before this Board, it being matter of property; And that after such Conviction, this Board has a Right to sett at Liberty or dispose of such Indians as they shall see cause, & leave the Tryal of the Importation of the sd. Indian Boy to the said Court of Pleas.

At a Council held at Philadia., y^e 18th of March, 1709-10.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Willm. Trent, Esq'rs. John Blunston, Saml. Preston. Esq'rs.

The Govr. acquainted the Board that he has been informed one Peter Bizalion, a ffrench man & Roman Catholick, a trader amongst the Indians at Conestogo, has lately spoken some suspicious words. & committed some misdemeanours, whereupon he had caused his

Effects to be seized, the better to oblige him to appear & answer unto what should be laid to his Charge, and Crav'd the Advice of the board in the premises, Who came to this Resolve, that yᵉ sd. Bizalion should enter into a Recognizance to the Queen, in five hundred pounds, with two sufficient sureties, in two hund'd. & fifty pounds apiece, for the said Bizalions personal appearance at the next sessions of the Peace, to be held at Philadia., for the said County, & his good behaving himself in the meantime, wch being done, his Effects to be restored to him, paying yᵉ cost of seizure.

At a Council held at Philadia., ye 14th April, 1710.

PRESENT:

Yᵉ Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Griffith Owen, Thomas Story,	Esq'rs.	Isaac Norris, Samuel Preston.	Esq'rs.

The Govr. laid before the board a letter he had reced. from Coll. Ingolsby, wherein was inclosed a paper in these words: (Willm. Dalbo, one of the Justices of Peace, in yᵉ County of Glocester, saith: that an Indian of his particular acquaintance, who hath been very Intimate with him, the sd. Dalbo, from his Childhood, acquainted him that there is a Belt of Wampum Come to Conestogo, from Mahquahotonoi; yᵗ there was a Tomahock in Red in the belt, & that the french with five nations of Indians were designed for War, & to fall on some of these Plantations;) the Govr. also laid before the board a letter he had reced. from Mr. Yeates, Caleb Pusey and Thos. Powel, Dated this day, purporting that to morrow there was to be a great Concourse of Indians, those of Conestogo & those of the Jersey; that they were of Opinion that it might be a Seasonable opportunity for the Govr. to visit them altogether, the meeting being the Greatest that has been known these Twenty Years, & is to be about two miles from Jno. Warraws, at Edgmond. It is the opinion of the board that the Govr., with some of the Council, & as many others as Can be got, should go to morrow to meet the sd. Indians, to Enquire farther of them about the said Belt of Wampum, & what else may be thought necessary.

At a Council Held at Philadia., yᵉ 29th of April, 1710.

PRESENT:

Yᵉ Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Samuel ffinney, Caleb Pusey,	Esq'rs.	Richard Hill, Isaac Norris, Saml. Preston.	Esq'rs.

The Govr. acquainted the board that upon his arrival at New

Castle last week, he was informed that Opessa, one of the Shawannah Chiefs, had been there four Days; that he went away in the night, nor could he hear what he came about; that he had been with some of the Delaware Indians, who resolve (as it is said) not to plant Corn this year; That Mr. Garland has lately shewn a Belt of Wampum, sent by the five nations by Indian Harry, wth this further message, That as soon as the Bark ran, they would be with ym. at Conestogo, with sixty men, & make them a Speech; That he was informed at Brandy Wine, That an Old Indian Woman said (as it was interpreted) that their great men had Ugly talk among them, & that they had left none but her & her husband to plant Corn. The Board taking the premises into Consideration, are of Opinion (be the Report true or false) that it may be Convenient for the Govr. to make a Journey to Conestogo, (he not having been among y^e^ Indians since his arrival,) to Inform himself of the Truth of these Reports, and for the keeping up a good understanding & Correspondence 'twixt us and the Indians, and that some of the Council wait upon him thither.

The Govr. laid before the board the repeal of Six Laws of this Province, under y^e^ Privy Seal, Done at the Court at Windsor, y^e^ 24th of October, 1709, by the Queen in Council, wch are ord'd. to be Publickly proclaimed or read by the Sherif in full Markett.

At a Council held at Philadia., the 29th of May, 1710.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Willm. Trent, Isaac Norris,	Esq'rs.	Geo. Roche, Saml. Preston, Antny. Palmer.	Esq'rs.

The Govr. acquainted the board that upon his arrival at Conestogo, he found the Indians very well inclined to the English, & to the Proprietary, & this Govmt. in particular; but that they had Complained to him that several persons make it their business to waylay their young men returning from hunting, making them drunk with rum, & then Cheat them of their Skins, & that if some method be not taken to prevent it, they must be forced to remove themselves or starve, their dependance being intirely upon their Peltry; whereupon it is thought proper that such Indian Traders as are forreigners being admitted & Licensed by the Govr., shall come under such Regulations as the Govr. and Council from time to time shall direct & appoint.

At a Council held at Philadia., the 16th of June, 1710.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Epward Shippen, Joseph Growdon, Samuel Carpenter, Esq'rs.
Richard Hill, Samuel Preston. Esq'rs.

The Govr. laid before the board the report of Coll. ffrench & Henry Worley, who went on a message to Conestogo, by his Order, wch. follows in these words:

At Conestogo, June 8th, 1710.

PRESENT:

John ffrench. Henry Worley.

Iwaagenst Terrutawanaren, & Teonnottein, Chiefs of the Tuscaroroes, Civility, the Seneques Kings, & four Chief more of y^t nacon, wth. Opessa y^e Shawanois King.

The Indians were told that according to their Request we were come from the Govr. & Govmt., to hear what proposals they had to make anent a peace, according to the purport of their Embassy from their own People.

They signified to us by a Belt of Wampum, which was sent from their old Women, that those Implored their friendship of the Christians & Indians of this Govmt., that without danger or trouble they might fetch wood & Water.

The second Belt was sent from their Children born, & those yet in the womb, Requesting that Room to sport & Play without danger of Slavery, might be allowed them.

The third Belt was sent from their young men fitt to Hunt, that privilege to leave their Towns, & seek Provision for their aged, might be granted to them without fear of Death or Slavery.

The fourth was sent from the men of age, Requesting that the Wood, by a happy peace, might be as safe for them as their forts.

The fifth was sent from the whole nation, requesting peace, that thereby they might have Liberty to visit their Neighbours.

The sixth was sent from their Kings & Chiefs, Desiring a lasting peace with the Christians & Indians of this Govmt., that thereby they might be secured against those fearful apprehensions they have for these several years felt.

The seventh was sent in order to intreat a Cessation from murdering & taking them, that by the allowance thereof, they may not be affraid of a mouse, or any other thing that Ruffles the Leaves.

The Eight was sent to Declare, that as being hitherto Strangers to this Place, they now Came as People blind. no path nor Communicacon being betwixt us & them; but now they hope we will take them by the hand & lead them, & then they will lift up their heads in the woods without danger or fear.

These belts (they say) are only sent as an Introduction, & in order to break off hostilities till next Spring, for then their Kings will Come & sue for the peace they so much Desire.

We acquainted them that as most of this Continent were the subjects of the Crown of Great Brittain, tho' divided into several Govmts.; So it is expected their Intentions are not only peaceable towards us, but also to all the subjects of the Crown; & that if they intend to settle & live amiably here, they need not Doubt the protection of this Govmt. in such things as were honest & good, but that to Confirm the sincerity of their past Carriage towards the English, & to raise in us a good opinion of them, it would be very necessary to procure a Certificate from the Govmt. they leave, to this, of their Good behaviour, & then they might be assured of a favourable reception.

The Seneques return their hearty thanks to the Govmt. for their Trouble in sending to them, And acquainted us that by advice of a Council amongst them it was Determined to send these Belts, brought by the Tuscaroroes, to the five nations.

May it please your honr.

Pursuant to your honrs. & Council's Orders, we went to Conestogo, where the forewritten Contents were by the Chiefs of the Tuscaroroes to us Deliver'd; the sincerity of their Intentions we Cannot anywise Doubt, since they are of the same race & Language with our Seneques, who have always proved trusty, & have also for these many years been neighbours to a Govmt. Jealous of Indians, And yet not Displeased with them; wishing your honr. all happiness, we remain, Your honrs.

Most humble & Obliged servants,
JOHN FFRENCH,
HENRY WORLEY.

Journey to Conestogo.	DR.		
To bread,	£0	4	2
To Meat,	0	12	0
To Rum,	1	10	0
To Sugar,	0	15	0
To two Men's hire for Baggage,	4	0	0
To John,	1	4	0
	£8	5	2

At a Council held at Philadia., the 29th of June, 1710.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, Saml. ffinney, Isaac Norris, Esq'rs. George Roche, Antny. Palmer. Esq'rs.

Upon the Petition of Robt. Clay, That sundry merchandizes, seized as the effects of Chetmall Pride, now a prisoner in the County Gaol, for the murdering of his apprentice, Thos. Bleasdall, may be discharged; the said merchandize, being only consignments to the said Chetmall, from the Petitioners Master, Richard Assheton, of Liverpool, Mercht. & Company in Trust, for the building them a vessel in this Place, & wch is now upon the stocks; And if the goods be not immediately sold for the Carrying on of the Vessel, the interest of the imployers would very much suffer. And this Board having viewed y^{e} Orders of the Imployers & the Invoice of the goods sent to the sd. Chetmall, are of opinion that the said goods, the said Chetmall, (having no Property therein,) be discharged, And that y^{e} aforesaid Robt. Clay, the intended Mate of the vessel, with such other person as the gent. shall think fitt to join with him for the security of the Imployers, have the disposal of the sd. Merchandize & Carrying on of the vessell.

At a Council held at Philadia., the 21st of July, 1710.

PRESENT:

The Honble CHA. GOOKIN, Esqr. Ltt. Govr.

Griffith Owen,
Thos. Story, } Esq'rs.
Richard Hill,

Isaac Norris,
Samuel Preston. } Esq'rs.

The Govr. laid before the Board an Express he had rec'd. last night from Coll. French, purporting, that in three days the Chiefs of the Seneques would be at Conestogo, And with them the Chiefs of the Indians of most part of the Continent, as also some of the Gent. of Maryland, & that the Govrs. presence there was expected; what the design of the Congress might be was not certain, but was told it was of very great consequence to the Crown, & would tend much to the preservation of the subject. The board having taken the Premises into Consideration, are of opinion, that 'tis absolutely necessary that the Govr., with as many as can be gott to attend him go to Conestogo to meet the Indians, & inform himself of the cause of their meeting.

The Representatives chosen the first of October last, having mett divers times this year upon their own adjournments, & at last on y^{e} 14th of 6 mo. drew up & sent to the Govr. a paper in these words.

To Charles Gookin, Esqr.. Ltt. Govr. of the Province of Pennsylvania, &c.

The Remonstrance of the Representatives of the said Province.

Humbly Sheweth:

That by the Proprietors Charter to the Inhabitants of this Province, as well as the Laws now in force, the Representatives are to be elected on the first day of October yearly, to meet on the 14th of the same month, & to sitt & Continue upon their own adjournments, from time to time, until the next aniversary day of Election.

That in pursuance thereof, the present Assembly did meet on the said fourteenth day of October last, in order to proceed upon the business of the Province, & acquainted the Govr. thereof accordingly.

That the Govr. inclining to meet the Assembly of the Lower Counties, (or upon some other extraordinary business,) desired that the House would adjourn till the last day of the month, at wch time he would meet with them to proceed as aforesaid, or to that purpose.

That the Govrs. delaying to meet the Representatives, at y^t time occasioned those that mett to agree to mett some days after, tho' by Violence of weather they could not meet in a full house on the day of adjournment, (as often before hath happened.)

That the members who mett being a considerable number, having upon inquiry been assured the Govr. was not come to Town, nor was like to come for some days; agreed to meet again upon the 14th 9br. following, & from that day proceeded upon the Publick business, tho' the Govr. was still absent from the Province, on what occasions we could never yet learn. Nevertheless, we went on to settle the bill for Regulating the exorbitant fees of officers, in Conjunction with a Committee of the Council, according to the Govrs. own appointment, & proceeded upon the business of the Secry. recommended to us also by the Govr.

That when the Govr. came to Town the Assembly acquainted him with their proceedings in his absence,desiring him to pass the Bills of Courts & fees, being Regulated according to his Council's proposal, he was then pleased not onely to own us as a House & Assembly, but to press the sending the rest of the Bills prepared for his Consideration which he promised to Consider of, & to give his answer to y^e House, tho' at the same time he declined to sitt on the Tryal of y^e Secry. contrary to y^e Expectacon before given us by y^e Secry.

That some time after, upon our endeavours to reduce the exhorbitant & abusive behaviour of the Secry., the Govr. (who before had given as his word of Honour not to interpose or protect him from Justice,) thought fitt to supersede the warrant granted for apprehending him, & to declare us no assembly, because we were not a full House on the said last day of October, tho' the violence of the weather at y^t time, with the discouragement we had by the Govrs. absence were y^e great & main Cause thereof, all which hath been more fully represented by a Remonstrance from this House, dated the 30th of Novr. last.

That finding the Govr. not disposed at that time to proceed in Legislation, we adjourned till the first of May last, in hopes he would by that time have declined those measures, but to our great disappointment found him as averse as before, & not only so but he menaced us, which we then passed over in silence, & adjourned till the 14th inst., at which time we acquainted him that we were ready to proceed to Legislation, which he still declined.

Now may it please the Govr.: We desire thee seriously to consider, that thro' the great favour of the Crown of England, one branch of the Legislative authority is vested in the freemen of this Province in Assembly, which is a great Dignity put upon them, & when that Branch is slighted or affronted by the other, (wherewith thou art at present intrusted,) the consequence is like to prove more the pernicious by how much corrupt men are influenced to evil rather than good, from a natural propensity thereunto, & to take encouragement from examples of superiors sooner than other persons, frequent instances of this, divers of us have mett withall from some who like the filthy dreamers in the text, dispise dominion & speak evil of dignities, particularly in one of the Countys where those who made the last election of Representatives, as well as the elected have lately, (in the hearing of many,) been rendered as y^e Mobb & Rable of the People.

Thus vile men take liberty to abuse us, being encouraged thereunto by thy misconception of us & our proceedings.

But we Complain not of the indecencys we meet with, meerly as they respect ourselves, 'Tis the poor Province, & the people we represent, that suffer by y^e consequence. The want of those Laws for wch. Bills accommodated to thy own terms, have been so long prepared, and thy self so often pressed by this & the former Assembly to pass; thy neglect therein, we think is very injurious to the People who are left without law, to be racked by officers on the one hand, whilst their lives & estates are subject to be tryed by Courts set up wth. out Law on y^e other; & besides this, we think an Instance fresh in memory, may be sufficient to Convince thee of what danger the people here are in, for thy not passing amongst others the bill about the manner of Giving evidence, or some other in lieu of it, wch. we are ready to propose for thy concurrence; the want of wch. (since the repeal of the former,) has rendered us very insecure in our Persons & Estates; for the greatest part of the people here being such as Conscientiously scruple an Oath, & their Evidence upon affirmacon, in Criminal Causes being rejected, murder tho' never so notorious & barbarous, being perpetrated in a Crowd, if of Quakers only, or such as are under the said scruple, may escape with impunity.

Wherefore entreat thee to consider these things, & prevent us from making farther Complaints, by heartily Joyning with us in the passing such Laws as may be a redress of these and other grievances under wch. this poor Province groans: & assure thy self we are & shall be ready & willing chearfully to support the Governmt. under thy administracon, & Contribute to every thing else that may Conduce to the true honour & Interest of this Province.

Signed by Ordr. of y^e House, N. C. D., this 16th of Augst., 1710.
Copia. DAVID LLOYD, Speaker.

At a Council held at Philadia., y^e 21st of Septr., 1710.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Saml. Carpenter, Griffith Owen, Thomas Story,	Esq'rs.	Richard Hill, George Roche, Samuel Preston.	Esq'rs.

The Queen of the Conestogo Indians, Ojuncho, & two Chiefs more, and some of the Connois Indians, laid Down before the Council four bundles of skins and furrs, and at the delivery of the first bundle, they said, (as it was interpreted by ———,) that they had given the Govr. notice of their Intentions of Coming hither the last time he was at Conestogo, that they were now come, and do present him with that bundle to make him a cover for his table, to be used in the same manner as the Carpet then spread upon the Council Table.

Upon their presenting the second Bundle, they said it was in Remembrance, and as an acknowledgement for the Gun powder & lead presented to them here the last year, for wch they were very thankfull.

Upon their presenting the third bundle, they said it was as a token of their good will and friendship, and that they shall ever remember & observe the Govrs. advice to them the last year, to live peaceably one with another, wch they will always endeavour.

Upon their presenting the fourth, They said it was in remembrance of the advice that was heretofore given them not to be too Credulous of reports, they being generally false & spread abroad by ill men, that for their parts they would believe no reports agst. us, & hoped we would believe no ill reports of them.

Whereupon the Govr. replied, that he was glad to see them and thanked them for their kind presents, and cautioned them not to believe lies and stories, that now too commonly spread abroad for mischief by ill men, and that if any thing happened Extraordinary they should have notice by a messenger on purpose, and desired the like from them, for that the Propry., Mr. Penn, as also himself own'd & loved them as their brothers, and being ordered to attend to morrow in the afternoon they withdrew.

Ordered that Mr. Hill, Mr. Norris, & Mr. Preston, dispose of the said presents to the best advantage, and provide a suitable return against to morrow.

N. B. There having been another Election of Representatives on the first of this Inst., October, there was a total change made of the members throughout y^e three Counties, all the former being turned out, and not one returned who had been in either of the two last Assemblies.

At a Council held at Philadia., the 16th of October, 1710.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Griffith Owen, George Roche,	Esq'rs.	Thos. Story, Saml. Preston, Antny. Palmer.	Esq'rs.

The Council being sett the Assembly waited upon the Govr., and Richd. Hill acquainted the Govr. that the Assembly had mett upon Saturday last, Pursuant to the charter, and had Chosen him for their Speaker, that he was Conscious of his own inabilities in discharging of that trust, and Desired they might be ordered to return & Choose another; Whereupon the Govr. reply'd, that he was very well assur'd the House had made a Good Choice, & that he approved very well of it, and then made them the following speech.

GENT.:

I dont Doubt but 'tis obvious to every one's understanding here why I could not agree with the last Assembly; But as I take you to have different sentiments from them in the Publick affairs of the Province, and have no Designs in view but for the welfare of it, So you may promise yourselves my ready assent to all bills drawn up for that end.

And as I have often expressed my Resolution of settling myself amongst you, you will do me but Justice to believe I can have no aims Contrary to the Interest of the People.

Thus then I hope a Confidence in each other being established, you will Cheerfully proceed to frame such Laws as may answer the end of the peoples Choice, & make such provision for the support of Governmt. as consists with ye Character this Province justly bears in all her Majesties Dominions.

I have not to add, but to recommend that dispatch to you wch the nature of the things will require, less like some former Assemblies by long sitting, you bring the Country under such a Debt as perhaps they will not very willingly Discharge.

Then the Speaker Desired that those three things that were accounted the Privileges of ye House should be granted them, vizt: freedom of speech, free access to the Govr., & a favourable Construction of their proceedings, wch the Govr. assured them of. The Speaker acquainted the Govr., that the urgent affairs of most of ye Countrey members required them at home, and that they had some thoughts wth the Govrs. leave to adjourn for a short time, and the Govr. was pleased to refer the fitness of the time to their own Consideration, and then they returned to ye House.

A Peticon of Mordecai Howel was read, Complaining of some hard usage he had mett with upon the Prosecucon of Coll. Quary, for the Queen against him. It is the opinion of the board, that if the Petitioner have recd. any wrong he must right himself in a Legal way, this Board having no Cognizance of the matter.

To y^e^ Honble Charles Gookin, Esqr., Ltt. Govr. of the Province of Pennsylvia., &c.

The Address of the Representatives of y^e^ sd. Province, in Assembly mett.

May it please the Govr. :

We, the Representatives of the Province of Pennsylvania, are duly thankful for thy favourable speech to us, & the good assurances thou art pleased to give us of thy ready Assent, to such bills as we shall prepare & offer for the Countrey's welfare.

And we Cannot but very particularly express our satisfaccon in thy grateful Resolution to settle among us, & that thou art pleased so to Engage wth us in one Common Bottom, as to have no other aims but the Interest of the People we Represent. We have reason to hope, & shall always Endeavour for the Establishment of such a mutual Confidence, as shall not only faciliate or shorten the means but Effectually obtain those Ends; And Doubt not but that when we shall take into Consideration what Bills may be necessary for the Good & utility of the Province, that of the support will also fall under our care.

We take Regardful notice of the Dispatch thou art pleased to recommend to us, and therefore, that we may the more Diligently & Closely attend the Publick affairs when we sett about them, which for several reasons we cannot so effectually pursue at present ; We crave leave to acquaint the Govr., that we have inclinations to adjourn to some time in the beginning of December, if that may suit the Govrs. leisure.

RICHD. HILL, Speaker.

At a Council held at Philadia., the 24th of Janry., 1710-11.

PRESENT :

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Samuel Carpenter, Thomas Story, Esq'rs.
Saml. Preston, Antny. Palmer. Esq'rs.

The Govr. laid before the board the bill for Establishing the Courts of Judicature of this Province, As also the Bill for Establishing ffees, wch he said he reced. last night, from three of the members of Assembly, And the Bill of Courts was read over ; And then adjourned till afternoon.

POST MERIDIEM, the same as above.

The Bill of Courts was again read & Considered, Paragraph by Paragraph, and some amendments made thereto, wch. were ordered to be fairly Transcribed, and sent to the House of Representatives.

At a Council held at Philadia., the 25th of Janry., 1710-11.

PRESENT :

Ye Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Saml. Carpenter, } Esq'rs.
Thos. Story,

Saml. Preston,
Antny. Palmer. } Esq'rs.

The amendments to the Bill of Courts being fairly Transcribed were read, and are as follows :

By the Govr. in Council, Proposal of amendments to the bill of Courts, 25th of January, 1710-11.

Page 1, line 5. That the Supream Court be held at Philadia. for the whole Province, which will be a great deal less cost to the Publick, & less Trouble to the Judges & the Countrey, & answer the ends much better.

Line 10. Since it is a great Difficultie to find Judges (as we are circumstanced,) to officiate in the several Courts, Three, or any Two may be sufficient ; and since it is not to be expected that the Gent. of the Countrey will always accept of & undergo so much trouble & ffatigue, to the great Loss & Detriment of their own affairs ; some Encouragement should be thought on to engage a Judge knowing in the Laws of England, who would be best able to Discharge this Trust.

30. The Proprietor & Govr., or his Ltt. for the time being, to nominate & Commission Clerks & prothonotaries.

Pa. 2d, l. 40. If the Supream Court be held at Philadelphia, this Clause & some others in the Bill must be adapted accordingly.

Pa. 7, l. 20. Leave out the words (for support of Govmt.,) because all such things are perquisites belonging to the Proprietary & Govr. as his property granted him by ye Crown, & ought not to be appropriated to any other use.

Pa. 8, l. 30. There being great Inconveniencies daily observed in the County of Philadia., in holding the Qr. sessions & Common Pleas in the same Week, it would be best to separate them two or three weeks, & the Court of Pleas to be held there 6 times a year and then no need of a six weeks Court.

Pa. 8, l. 40. Since the Commissionating of Clerks already belongs to the Proprietary & Govr., there is no need of this Clause.

Pa. 11, l. 25. Since the best of the Commons of England of what Degree of Freehold soever, are not Exempted from arrests in Cases of Debt ; & since few will be served by such an Exemption but those who least Deserve it, lett this Clause & its subsequent Dependence be wholly omitted, & the Plt. left to his Discretion what process to take out.

Line 25. The Execucon upon a Judgment in Great Brittain is against Body, Lands or goods, at the Plts. Election, only he Can't have all at once ; & if more be insisted on here, it may hazard the whole Bill, a man may have a good Estate in Goods, When Execucon is awarded, & if his person be protected against his Creditors, he may Conceal & Embezel his Goods, & the Creditor be defrauded, besides many other Inconveniences.

Pa. 16. l. 36. There are some Patents for offices in the Govmt. during Good Behaviour therein, wch. may be for Life, where the officer Continues Carefull & honest; and an official misdemeanour being that only by wch. he Can be Deprived, ought not to be at the Judgment of any, without matter of Fact Duly found by a Jury, & the Laws being already full against any officer in any Case wherein he Can offend, this Clause is altogether needless.

Pa. 17, l. 10. Except only where any thing necessary to be Done has no fee provided by any Law of the Province, there it is Better the Justices to have power to ascertain fees till the Laws provide, than the officers to be left at large. A Clause of Special Courts should be added to the Bill.

Order'd, that Saml. Preston & Antny. Palmer Carry the said Proposals of amendments to the House.

At a Council held at Philadia., the 27th of Janry., 1710-11.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Saml. Carpenter,	Esq'rs.	Thos. Story, Saml. Preston.	Esq'rs.

The Govr. laid before the board several Bills he had received from the Assembly, wch were read, and left to be again read & considered Monday next.

A Peticon of several of the Inhabitants & freeholders of the townships of Buckingham & Solbury, was read, praying that a Convenient Road may be laid out & Establish'd from those upper parts of Philadia., according to the Courses & manner following, vizt: To begin at the side of the River of Delaware opposite to John Reading's landing, from thence the most & Convenient Course to Buckingham meeting house, & from thence the most Direct and Convenient Course through the Land of Thos. Watson on the North side, And from thence ye most Direct & Convenient Course to Stephen Jenkins on the West side of his house, and from thence the most Direct & Convenient Course by the House late Richard Walls, now in the possession of George Shoemaker, and so forward the most Direct & Convenient Courses to Philadia., wch said Peticon being signed by a great many of the Inhabitants; And the said Road promising, as intended to be laid out, to be of great use and service to the Publick. It is therefore Granted by this Board, and it is Order'd, (as Desired) That Thos. Watson, Jno. Scarbrough, Jacob Holcombe, Nathl. Byle, Matthew Hughes, Joseph Fell, Saml. Cart, Stephen Jenkins, Thos. Halliwell, Griff Miles, Job Goodson & Isaac Norris, or some six of them do lay out the same Road, & make their Return of the Courses thereof into the Secry's office, within six months from this Day.

At a Council held at Philadelpia., the 29th of Janry., 17101 1.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Saml. Carpenter,	Esq'rs.	Thos. Story, Saml. Preston.	Esq'rs.

The Bills were now again read, & the amendments were made to them and ordered to be Ingrossed agst. to morrow morning.

At a Council held at Philadia., the 30th of Janry., 1710-11.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Griffith Owen,	Esq'rs.	Thos. Story, Saml. Preston, Autny. Palmer.	Esq'rs.

The amendments being Ingrossed, were read in these words.

By the Govr. in Council, proposals of amendment to the Bill Intituled an act for the further securing the admracon. of the Govmt.

Page 1. 5. Provided always, that nothing herein contained shall be construed to give any power or authority to any such Council as aforesaid, to act in any matter of Legislacon in the said Govmt., but in the admrcon. only according to ye Laws for the time being.

ffor Establishing & Regulating fees.

P. 1. The Inducemt. to this Law suggesting great reflections on the officers in general, which they will not own to be due. It were better to make for prevencon. of such Practices that may arise for the future.

P. ult. The officers are restricted from any Larger or other fees than in the Bill Enumerated under certain Penalties, which may be Injurious where any thing necessary to be done by them, is forgot to be inserted in the Table of Fees, & therefore a Clause to obviate such Contingents should be superadded; And the officers being obliged to sett up Tables of their fees, may be well if the Penalty be adapted to the nature of the offence, but £20 is more than the nature of the Crime, Especially since they are obliged to give bills of particulars of those things for which they receive their money. Officers refusing to sign proper receipts, or taking undue fees, to forfeit Treble Damages to the party grieved.

An act of Privilege to a freeman.

This being a Clause of Magna Charta hath its Effect here as in Great Brittain, and so needless to be re-Enacted however the Govr. agrees to it.

An act for Priority of Debts, &c.

To this the Govr. agrees.

An act to prevent Disputes about the Dates of Conveyances, &c.

The Govr. assents to it.

An act against Riotous sports, &c.

This the Govr. agrees to.

For the Establishing & Regulating ferries.

P. 2. 5. This bill imposing persons upon the Govr. to be Licensed does not leave him a free agent, Which he ought to be in all like Cases. That privilege being reserved, regard may be had to the persons proposed. The Govr. and his proper Retinue & the Post on all occasions to be free.

An act for Recording of Deeds.

P. 4. The officer is obliged preemtarily to yield up the office & writings undefaced, &c. Under the Penalty of his Bond, & no a sufficient Provision in Case of accidents or Providential Casualties as fire, &c. Besides, if the Deeds lye so long in the office as the officer alleges, it may be Difficult to preserve 'em from Ratts & mice, all which a short proviso may Guard.

P. 1. 5. Make the fees here & the bills of fees agree.

An act about Publick Houses.

Since the Publick Houses pay no duty or Excise, and have the full advantage of their Imploy, It is proposed that the fees for Licenses be £3 for the City of Philadia., 40 sh. for Countrey Towns & Vilages, & 30 sh. for the Countrey. As to the officers they have been fully heard at the board, & have Exhibited an account of the several fees or new proposals, have inserted some that were omitted in the bill, the Govr. is ready & willing to settle the fees, & would neither have the Countrey abused nor the officers Discouraged.

Which being read, Saml. Preston & Antny. Palmer were Ord'd. to Carry 'em to y^{e} House.

At a Council held at Philadia., the 3d of febry., 1710-11.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Saml. Carpenter,	Esq'rs.	Thos. Story, Saml. Preston.	Esq'rs.

The Govr. laid before the board the Assembly's answer to his

Proposals of amendmts. to the bills of Courts, which were read, and are as follows.

P. 1, l. 5. The Representatives of the Counties think it most safe and satisfactory, That the Supream Court be held in each County as per the bill.

L. 10. The House is opinion the four Judges in Commission is a more suitable number, and no more Charge than Three, if any Two have power as per the bill.

The House agrees That the Respective Counties, as occasion shall require, allow & pay the Judges officiating, Twenty shillings per Day each During their holding the Court, and Ten shillings for every Judgment, To be paid by the Person Condemned.

L. 30. The House agrees that the propry. or Govr., for the time being Commissionate Clerks as the Charter of Privileges Directs.

P. 2, L. 40. If the Supream Courts be held in the Respective Counties, (as this House thinks it most agreeable,) This Clause stands as in the Bill.

P. 7, L. 20. The House agrees that this be amended as proposed by the Govr.

P. 8, L 30. 'Tis the unanimous opinion of this House, y^t the times for holding Courts stand as in the Bill, for that to multiply the Courts or separate them, as proposed, will increase the Charge & prove Burthensome to the people.

P. 8, L. 40. The House thinks this Clause is of use, and does not interfere with any objection the Govr. has made.

P. 11, L. 25. The House is opinion, that this Clause & it's Dependance stand as in the bill, being agreeable to the Laws of this Province, and what the freeholders account their Just Privilege.

L. 25. The House agrees that Execucon of a Judgment be as proposed against Body, Lands or Goods, at the Plts. Election, having regard to the Directions of the Laws of this Province in the Execucon of Lands.

P. 16, L. 36. The House cannot be of opinion that this Clause is wholly useless, But agree y^t the Removal of officers be upon a Legal Convicцon of official misbehaviour.

P. 17, L. 10. The Assemblys of this Province for some years past have had the Bill for Establishing fees under Consideration, And the officers as frequently Called on for Tables of their fees, So that 'tis hoped there is no great omissions; Therefore this House is of opinion such Restrictions as in the bill are necessary.

The House agrees that a Clause be added for holding special Courts when occasion may require, on any persons' sudden Departure out of this Province, if not already supplied by some other Law of this Govmt.

Also the Assembly's answer to the Govrs. proposals of amendments to several Bills, were read, and are as follows:

The Assembly's answer to the Govrs. Proposals of amendments to the Bill Intituled an act for the further securing the administracon of y^e Govmt.

Pa. 1, L. 5. 'Tis the opinion of this House, That to Exclude the President and Council from a power to act in Legislacon, (in Case of the Ltt. Govrs. Death or removal,) would be such a defect in the Constitution as must render the same incapable to obey the immediate Commands of the Crown in the greatest Emergencies; for which reason the Queen has thought fitt to repose this Trust in the same authority in her plantation, and made no objection thereto in the former Law, To which the Propry. also assented.

To the act for Establishing & Regulating ferries.

Pa. 2, L. 5. This House agrees to the Exception of the Govrs. person and proper Retinue, as also Expresses of the Govmt.; But are of opinion if the Post shall be exempted, it may be better done in the Bill to regulate the fees of that office; & that the Govrs. concurrence to this Law is a sufficient approbacon of the persons named in the same, who being owners of the Lands at the Respective ferries, and willing to keep the same may deserve a preference during good behaviour.

To the act for Recording of Deeds.

Page 4. The House agrees that a Clause be added to the Bill for Inrolling of Deeds, to prompt the parties concerned to pay for the same, and that the fees be made agreeable with the bill of fees, When it is agreed on.

To the act about Publick Houses, The House agrees that three pounds be paid for a License in Philadia., if the sell Wine and other liquors, if not wine but other Liquors, forty shillings; & for a Lycense to sell all sorts of Liquors in the Towns of Bristoll, ffranckfurt, Germantown, Derby, Chester & Chichester, shall be forty shillings each, and for the same in any other part of the Countrey, Thirty shillings, & no more.

The Govr. also laid upon the board two acts he had recd. from the House, one Intituled an act Directing the affirmation to such who for Conscience sake cannot take an oath, the other an act for Establishing the lower ferry on the River Schuylkill, which were read & Partly Considered, but the further Consideracon of them is adjourned till Monday next at nine a Clock.

At a Council held at Philadia., the 5th of febry., 1710-11.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Joseph Growdon, Samuel Carpenter, Esq'rs.
Griffith Owen, Samuel Preston, Anthony Palmer, Esq'rs.

The Assembly's answer to the Govrs. proposals of amendments to the bill of Courts and the other bills were again read, and the following proposals of amendments made thereto.

In the bill of Courts.

Pa. 1, l. 10. The Govr. (notwithstanding he can't but be of opinion that the Courts of Justice may be better adapted to the Circumstances of the Countrey by an Ordinance than a Law, the first being easily amended as Inconveniencies arise and the Constitution found impracticable, whereas, the other cannot be done without great trouble & Expence) is willing however for the satisfaction of the Countrey, to establish the Courts by a Law, provided it may be done after such a method as may be truly serviceable to the Publick, which is all he aims at. The greatest Difficulty he meets with, is the finding of Judges & Justices of Common Pleas, that will give their constant attendance at the Courts, the Gentlemen of the Countrey being so few and their time so much taken up to detriment of their own affairs, that it Can't be expected they'll give such attendance as the nature of the thing will require.

It is proposed by the bill that Supream Court Consist of four Judges, Whereof any two to be a Quor.; this must engage more than is necessary, & it will require the attendance of two Qualified to administer Oaths; Whereas if any one might act, (as the present Establishment is,) two of Contrary Perswasions in Religion might sitt together, one having power to Do what's necessary, whether another be present or not; it is the principal & most material thing in any Govmt. that the Courts of Justice be not only well Established, but that the Judges & Justices, according to the old maxime, do the business of the Day within the Day, & not postpone & adjourn from time to time, Which by another maxime is called the Denial of Justice. If our Constitution be Lame or Impracticable, and the subject thereby hurt, it will be just Cause of Complaint, and it is the Proprietary, not the People, that will be the first object of the Resentments of our superiours in Great Brittain; so y' upon the whole it is the Govrs. opinion that it will be Convenient (since the people will have the Constitution proposed) that a Committee of the Council and Assembly confer about the premises, and of some suitable Encouragement, the better to Engage the Judges attendance, as also about the issuing of Original Process & Concerning the Summoning of Freeholders.

Pa. 8, l. 40. The Govr. (as before) is of opinion that this Clause is altogether needless, for he does not want Power to Commissionate those officers, and some of those offices are already Granted by Patent from the Proprietary.

To the act for the further securing the administracon of the Govmt., The Govr., notwithstanding what is objected by the House, to his last Proposal of amendment, does insist upon it.

To the act for Establishing & Regulating ferries. The Govr. does not think think this a sufficient answer to his proposal of amendment; he says, (as before) that the bill imposing persons upon him to be Licensed does not leave him a free agent; That privilege being reserved to him, 'tis likely he may have a regard to the persons proposed, besides it is said the ferry proposed to be at John Clark's will be very Inconvenient to the Publick.

To the act Directing an affirmation, &c.

Pa. 1, L. 15. In the sentence (such magistrate or proper officer) leave out the word (proper,) being Imployed in the word (such) relating to the word (proper) before.

The precautioning of all Witnesses to be admitted by this affirmacon is here made a necessary part of the Law, as also the Reminding of the affirmant of the Legal penalty, which being in their own nature Discretional, & might look very odd if such cautions should be given the propry., or his Govr., or the Justices one to another, or to persons of Greatest note for Integrity, all which may happen; Besides, such words so often repeated will become very fflatt, take up much time and be Tedious, so that it were better to leave all officers to their Discretion in the premises.

At a Council held at Philadelphia, the 6th of febry., 1710-11.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon,
Griffith Owen,
Thomas Story,
Samuel ffinney, Esq'rs.

Saml. Carpenter,
Saml. Preston,
Antny. Palmer. Esq'rs.

The act for Establishing the Lower ferry on the River Schuylkill was read; as also a Peticon of Benjamin Chambers, setting forth the great Labour and Expence he has been put to, from time to time, to make the said ferry Usefull and Convenient to the Publick, and prayed it might be Considered, and the premises being Debated, it was the opinion of the board, that all ferries are part of the Royalty Granted to the proprietary from the Crown, and should not be Established by any act of Assembly, especially for so long a term as Twenty-one years, and therefore the following answer should be sent to the House.

The Govr. conceiving this & all other ferrys to be the Property & part of the Royalty Granted the Propry., therefore he can't give countenance to any such bill.

Yesterday amendments to the several Bills were now again read, & were ordered to be carried by Samuel Carpenter & Capt. ffinney to the House.

At a Council held at Philadia., the 9th of febry., 1710-11.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, Samuel Carpenter, Griffith Owen, Esq'rs.
Thomas Story, Samuel Preston, Anthony Palmer, Esq'rs.

A Committee of the whole House of Representatives waited upon the Govr., pursuant to his message of y^e 5th Inst, and y^e amendments proposed by y^e Govr. to the bill of Courts were debated, & after much time spent thereupon y^e Conference broke up, and the members returned to the House; whereupon it is ordered, that the Secry. draw up whats proper Relating to the Conferrance, and lay it before the board to morrow morning.

At a Council held at Philadia., the 10th of febry., 1710-11.

PRESENT:

Y^e Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, Samll. Carpenter, Thomas Story, Esq'rs.
Samll. Preston, Antny. Palmer, Esq'rs.

The Secry. having drawn up something relating to the Conference, the same was read & Considered.

The Govr., by his last message to the House, assuring them that he was willing, for the satisfaction of the Countrey, to Establish the Courts by a Law, so it might be done after such a method as would be truly servicable to the Publick, and therefore for the better settling the objections by him made to some parts of the Bill & Dispatch thereof, he was inclinable that a Committee of the Council and Assembly should confer about the Premises, which has been done, tho' not with the success he hoped for and Expected.

The Govr. Can't but be still of opinion, that four Judges in the the Supream Court will be too many, and that for no other reason but that men of Capacity and ability are so scarce in the Countrey, and therefore would rather there were only three, & any one capable of acting, Which would not hinder,but that all together any two or any one might sitt as they thought fitt or occasion require; and if the House cant at this time Encourage the Judges, by an annual stipend or Salary, they'll be of opinion that 40 Shills. per Diem for the Chief Justice, & 20 Sh. for the other two will be little enough, unless it can be thought that private Gentlemen will still continue to serve y^e Publick at their own expence of time and Money.

The Govr. is informed by the Justices of this Countrey it would be much more for the Dispatch of business and Publick services, if the Common Pleas was separated from the Sessions of the Peace, for that the Holding 'em together perplexes Bench, Juries, parties & Witnesses; besides the Justices Can't possible attend them as proposed by the Bill.

If the House Continue their opinion that freeholders ought not to be subject to an arrest upon Mean Process, but summoned only, and insist upon it, the Govr. assent to it, tho' 'tis likely to Endanger the whole Bill. As to the acts for the further securing the administracon of the Govmt., and the act for Establishing ferries, the Govr. refers himself to his former Proposals of Amendments.

Ord'd., that Samll. Preston & Antny. Palmer Carry yᵉ same to the House.

The bill for the better Improving a good Correspondence with the Indians was read, and the following amendments made thereto.

No. 1. The forfeiture of any sum not exceeding £5 beyond suffering, as if the offence had been Done to a Christian, preferrs the Indians to the Queen's subjects.

It were better that this were omitted.

2. Make it as may tend to alienate the minds, &c.

3. Make it or naturalized in Great Brittain or this Govmt.

A Peticon of Richd. Mason was read, setting forth that there is a Certain old Road passing on various Courses through his land, to his Great Disadvantage, and yᵗ there is another Road Running in or near a Right Line, partly on the Line of his Land, & partly thro' his Tract, wch. would be more Commodious for Passengers, and less Detrimental to him, & more Regular and nearer than the other, and prays leave to stop the old Road. Whereupon the premises being Considered, It is ordered that the Overseers of the High Way appear before the Board, & make their objections (if they have any,) to this Peticon, & also give notice to all persons whom it may more particularly Concern, to make their objections in like manner.

At a Council held at Philadia., the 14th of febry., 1710-11.

PRESENT:

Yᵉ Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, Jasper Yeates, Griffith Owen, } Esq'rs.

Thos. Story, Saml. Preston. } Esq'rs.

The Amendments to the bill for the better Improving a Good Correspondence with the Indians, as Concluded on by the last Council, were now again Read, & were carried to the House by Jasper Yeats & Samll. Preston.

The Govr. laid before the board a paper he had received from the House of Representatives, which was read, & is as follows:

The House agrees that three persons be Commissionated Justices of yᵉ Supream Court, & any one to have power to act as by the

Govr's. proposals, and the Chief Justice to have 30 shills. per Diem, & each other Justice 20 shills. per Diem.

The House insists that the time of the Common Pleas in Philadelphia County stand as in the Bill.

The House Insists that the mean Process be such as by the Bill, with such Restrictions and amendments as are therein Exprest.

At a Council held at Philadia., the 15th of febry., 1710-11.

PRESENT:

Yᵉ Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thos. Story, Esq'rs.
Samll. Preston, Antny. Palmer. Esq'rs.

Two members of the House, vizt: Thos. Stevenson & Isaac Taylor, waited upon the Govr. and Desired his answer to two or three bills now before him, And the following answer was Ordered to be sent thereto.

As to yᵉ act for impowering Religious Societies, &c., to Dispose of Lands, &c.

The Govr. observing the great care of our ancestors in Great Brittain, obvious by the Laws & Statutes there, for the prevention of the Great hurt & Inconveniencies which had risen & might Rise from suffering of Communities or Religious Societies to assume to themselves like powers or practices as proposed by this bill, is not willing at present to Concur in it, lest it should interfere with those Laws in a thing of so great Import, the Consequence whereof being yet to him Dubious and uncertain, thinks fitt to take some further time of Deliberacon and Enquiry touching the same.

To the act for Establishing the lower ferry on Schuylkill.

It being under Indifferent good Regulacon & Certainty as to its fees, and it being a question with the Govr. concerning the nature of them, and what right may belong to the Govrmt., as perquisits, Inclines to take further Deliberacon thereon.

To the act for Regulating p'ty. in Phiadelphia, The Govr. assents to it.

The supply Bill, the Impost Bill. and the Bill for Collecting the arrears of former Taxes, were read & left to be Considered to morrow morning, At a Council held at Philadia., the 16 of febry., 1710-11.

PRESENT :

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thos. Story, Esq'rs.
Samll. Preston, Antny. Palmer. Esq'rs.

Coll. French's accot. of his Journey to Conestogo, &c., were read & Considered, & £147, 6s., 10d., allowed to him, saving the Deductions following, vizt : ffor horse hire and Baggage men in July, 1706, Charged in Govr. Evans acct., and paid him £12, 7s; for horse hire & Baggage men in June, 1707, Charged in Govr. Evans's acct. & paid him £5 ; for six pounds paid by the present Govr. to the baggage men in July, 1710, Charged in Coll. French's acct., in all Deducted £27, 7s.; so there remains Due to Coll. French & which is allowed by the Board 119, 19, 10.

The Govrs. acct. of Disbursements & Charges on his Journey to Conestogo, in July 1710, to treat with the five nations, amounts to £8, 10, which is allowed by the Council.

The supply bill was now again read & sent to yᵉ House, with amendmts. affixed to it.

At a Council held at Philadelphia, the 17th of febry., 1710-11.

PRESENT :

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Saml. Carpenter, Griffith Owen, Thos. Story, Esq'rs.
Samll. Preston, Antny. Palmer, Esq'rs.

The bill of fees, the Impost bill, the Bill for Collecting the arrears of former Taxes & the bill against the Exportation of Coin, were with some proposals of amendments or objections sent to the House.

At a Council held at Philadia., the 28th of febry,, 1710-11.

PRESENT :

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thomas Story, Esq'rs.
Edwd. Shippen, Samll. Preston, Antny. Palmer. Esq'rs.

The Assembly waited upon the Govr. with the several Bills Ingrossed, and Ready for passing into Laws, vizt : An act for Establishing the Courts of Judicature in this Province ; An act for

Regulating & Establishing fees; An act for the acknowledgeing and Recording of Deeds; An act Directing an affirmation to such who for Conscience sake Cannot take an oath; An act that no Publick House or Inn wthin this Province be kept without Licence; An act of Privileges to a freeman; An act against Riotous Sports, Plays and Games; An act to prevent Disputes which hereafter may arise about the Dates of Conveyances & other Instruments and Writings; An act for Priority of Payment of Debts to the Inhabitants of this Province; An act for the better Improving a Good Correspondence with the Indians; An act for Regulating of Party Walls & buildings in Philadia.; An act impowering Commissioners to Compell the Collecting of all arrearages of former Taxes; An act for Raising a Supply of two pence per pound & Eight shillings per head; An Impost act laying a Duty on negroes, Wine, Rum & other spirits, Sider & vessels; The title of which said several bills being read by the Secry., were by the Govr. passed into Laws, and a Warrt. Immediately Issued to the Keeper of the Great Seal, to affix the great seal thereunto, And the same were ordered to be Published at the Court House the next day, which was accordingly done.

At a Council held at Philadia., the 2d of March, 1710-11.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,		Joseph Growdon,	
Samll. Carpenter,	Esq'rs.	Thomas Story.	Esq'rs.
Griffith Owen,		Samll. Preston,	

Humphry Parker, Overseer of the High ways Wthin the Township of Lower Doublin, pursuant to an order of this board of the 10th of febry. last, now Comes and Informs the board, that he has Communicated the said Order to the Inhabitants Dwelling near where the new Road is Desired by Richd. Mason, who had nothing against the Road proposed, and upon the board's Examining the Truth of the said Petition, It is found that the proposed Road will be much better and more convenient for the Publick; Therefore, the road as now proposed is and shall be hereafter accounted the Publick Road, and that the said Richd. Mason may stop up ye old Road, he first Clearing the new one.

At a Council held at Philadia., the 5th of March, 1710-11.

PRESENT:

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen,		Joseph Growdon,	
Samll. Carpenter,	Esq'rs.	Samll. Preston,	Esq'rs.
Griffith Owen,		Antny. Palmer.	

Samll. Carpenter took his affirmacon for the faithful Discharge of the office of Public Treasurer of this Province, and then he acquainted the Board that he has in his hands £78, 9, 4¼, old Currency, of that money of the Impost and Excise by act of Assembly, in the year 1705, made payable to the Ltt. Govr., and Craves the advice of the board how he shall be Discharged thereof, and the Board having Debated and Considered the same, are unanimously of opinion, that y^e said money belongs to the Propry., and that he may safely pay the same into the hands of the Present Ltt. Govr., who will be accountable to the Propry. for the same, and he is hereby ordered to pay the same accordingly.

Samll. Preston & Antny. Palmer, Two of the members of this Board are Ordered to Inspect & Examine the Treasurers acct. allowed by the Assembly, the 16th of 12 month, 1710–11, And report how they find the same at the next Council.

At a Council held at Philadia., the 22d of March, 1710–11.

PRESENT:

Y^e Honble CHA. GOOKIN; Esqr., Ltt. Govr.

Edwd. Shippen,	Esq'rs.	Richd. Hill,	Esq'rs.
Griffith Owen,		Samll. Preston,	
Thos. Story,		Antny. Palmer.	
William Trent,			

The Govr. having Commissionated several Persons of the Church of England to be Justices of the Peace and Common Pleas in this County, and some of them shewing an Unwillingness to act, for that they dont think themselves safe in Giving Judgment in matters upon the attest as prescribed by the act lately past, Directing an affirmation to such who for Conscience sake Can't take an oath, It is therefore ordered, that the attorney General give his opinion, Whether there may be any danger to the Justices in acting and Receiving Evidences in pursuant to that Law, and also his Reasons for his opinion thereupon.

At a Council held at Philadia., the 28th May, 1711.

PRESENT:

Y^e Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,	Esq'rs.	Isaac Norris,	Esq'rs.
Griffith Owen,		Samll. Preston,	
Richd. Hill,		Antny. Palmer.	

Peter Bezalion acquaints the Board that the Queen, & some of the Chiefs of the Conestogo Indians, desired him tell the Govr. that they would be glad to see him at Conestogo to renew the League formerly made betwixt them and the Propry., and that he would bring along with him some of the old Counsellours, vizt.: Edward Shippen, Samuel Carpenter, Griffith Owen, Caleb Pusey, & who else he pleased. & that the Indians Desired some End may be made with the Shawanon Indians about the Death of Le Tore, and the Reason of their pressing the Govrs. presence at this time, is for that some of the Chief of the Council of the five nations are there, and they are of Opinion that his Coming now would be of service, But Coll. ffrench being Expected here in a Day or two, 'tis thought fitt to speak to him, to see if he knows any thing Concerning the matter before Resolutions of Going be taken.

At a Council held at Philadia., the 4th of June, 1711.

PRESENT:

Y^e Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Griffith Owen,
Thos. Story,
Richd. Hill, Esq'rs.

Isaac Norris,
Samll. Preston.
Antny. Palmer. Esq'rs.

The Govr. Desires the Opinion of the Board as to his going to Conestogo, for that Coll. French knew nothing of the matter; Whereupon the Board are of opinion, that the Govr. and some of the Council accordingly go, and that the Treasurer provide necessarys for the Journey.

At a Council held at Philadia., the 11th of June, 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Griffith Owen,
Thomas Story,
Joseph Growdon, Esq'rs.

Samll. ffinney,
Richard Hill,
Samll. Preston. Esq'rs.

The Govr. acquaints the board that he is Ready to take his Journey to Conestogo, if it be their opinion that Bizalion's message is of that Regard and Consequence as to go at this Juncture, the season being so Hott, and the board are of opinion that since the Govr. has given the Indians an Expectation of Coming, that it is necessary he should Go at this time, & that suitable provision be made by the Treasurer for his Journey.

At a Council held at Philadia., the 23d of June, 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Joseph Growdon, Griffith Owen, Thos. Story, Esq'rs.
Richard Hill, Samll. Preston. Esq'rs.

The Govr. laid before the board the Queen's Letter, Dated at Stt. James, 21st February, 1710, Requiring him to meet Coll. Nicholson, and the Govr. of New York, &c., at such place and time as shall be appointed to receive such Instructions as Relates to this Province concerning the expedition agst. the common Enemy, the ffrench Inhabiting North America, as also Coll. Hunter's letter, dated at New York ye 15th Inst., signifying that he intended immediately for New London, to meet Coll. Nicholson, &c., where he would wait his coming with Impatience, and desires the advice of the board as to the Charge & Equipage of his Journey; who are of opinion that one or two of the Govrs., perswasion in Religion, are fitter to attend him on this affair than any others, and hope the Govr. may prevail with some of them to go, and that the charge shall be the Publick's, and be paid by the Treasurer out of the publick money.

The Govr. laid before the Board the minutes of his Conestogo Journey, which were read at the board, and are as follows:

At Conestogo, June 18th, 1711.

PRESENT:

The Honble CHA. GOOKIN, Esq'r., Ltt. Govr.

Joseph Growdon,
Richd. Hill,
Griffith Owen,
Caleb Pusey, Esq'rs., Council.

A present of 50 pounds of powder, 1 piece of Stroudwater, 1 piece of Duffils, 100 pounds of shott; being laid upon ye floor, the Govr. (by Indian Harry, ye Interpreter,) thus spoke:

Govr. Penn upon all occasions is willing to show how great a Regard he bears to you, therefore has sent this small present (a forerunner of a greater to come next spring,) to you, and hath required me to acquaint you that he is about to settle some people upon the branches of Potowmack, and doubts not but the same mutual friendship which hath all along as brothers, past betwixt the Inhabitants of this Governmt. and you, will also continue betwixt you and those he is about to settle; He intends to present five belts of Wampum to the five nations, and one to you of Conestogo, and requires your friendship to the Palatines settled near Pequca.

To wch they answer:

That they are extreamly well pleased with the Govrs. speech, but as they are at present in Warr with the Toscororoes and other Indians, they think that place not safe for any Christians, and are affraid if any Damage should happen to these the blame may be laid upon them, that settlement being scituate betwixt them and those at Warr with them. As to the Palatines, they are in their opinion safely seated, but earnestly Desire that the Death of Letore may be now adjusted, for that they shall not think themselves safe till it is.

18th, Tuesday about Twelve.

The Senequois & Shawnois mett the Govr. and Council, Opessah, Chief of the Shawnois, by Martin Charteer, Interpreter, thus spoke:

Were it possible for us, by presents or any other way, atone for the Lives of those men our young people unadvisedly slew we would be partly willing to make satisfaction, and such a Condescension would forever be greatfully remembered and more nearly Engage us, and for the future render us more carefull. The uneasiness we had on that account was such, that we Could not sleep until the Last time the Govr. and his people were up here, at which time we had some hopes Given us of adjusting that matter, since the murderers are all Dead save one, who is Gone to Messasippi.

To which the Govr. answer'd:

That the Laws of England were such, that whosoever Kill'd a man must run the same fate; Yet Considering the Previous Circumstances to that murder, the length of time since the accon., the Distance of Place where acted from this Govmt., and before my Coming here, and the persons all save one (who is absconded) since is Dead, I am willing to forbear further prosecucon on Enquiry into it, but with all caution You that if any such thing hereafter falls out, you may be assured I shall as well know how to Do Justice as I have now shewed you mercy, ffor which they return the Govr. their hearty thanks, and Opessa assures that if hereafter any such thing should happen, he himself would be Executioner, & Burn them that should dare to Do it.

The Senequois acquaint:

That Opessa being thereto solicited by Jno. Hans Steelman, had sent out some of his People, either to bring back or Kill ffrancis De le Tore and his Company. Opessa, he affirms he was intirely Innocent, for that Jno. Hans, Came to his Cabin, when he and his young people (who were then going a hunting,) were in Council, told him that some of his Slaves & Dogs (meaning Le Tore & Company) were fled, therefore desired him forthwith to send some of his people to bring them back or Kill them, and take Goods for their Trouble, at which motion Opessa being surprized, told him that he ought by no means to Discourse, after that manner before young People who were going to the Woods, and might by accident meet those people, and therefore order'd him to Desist, utterly Denying his Request.

The Senequois also acquainted the Govr. that Le Tore had taken a Boy from them and had sold him at New York, and Requested the Govr. would Enquire after him, that they might have him again.

At a Council held at Philadia., the 4th of July, 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Griffith Owen, Thos. Story, Esq'rs.
Richd. Hill, Samll. Preston. Esq'rs.

The Govr. being Just now Returned, acquaints the board that Coll. Hunter and Ltt. Genll. Nicholson are returned from the Congress at New London to New York, Where he found them at his coming there, and he laid before the Board the Preamble of the Queen's Instructions Relating to the Expedition agst. the Common Enemy, the ffrench Inhabiting North America, the Proceedings of the Council of Warr at New London, & some other papers Concerning the same, which were read, and then Govr. Desired the advice of the board as to the Calling the Assembly, and it was thought fitt that a summons should Issue forthwith from the Govr. to the Sherif, to summon them to meet the Govr. the ninth Inst.

At a Council held at Philadia., the 11th July, 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thos. Story, Esq'rs.
Jasper Yeats, Samll. Preston, Antny. Palmer. Esq'rs.

The Assembly who were summoned by the Govrs. Special Warrt., to meet him the ninth Instant, being now Convened, Samuel Preston, Anthony Palmer, two of the members of Council, were sent to the House of Representatives to acquaint them that the Council was sett, and the Govr. was ready to receive them; whereupon, the House waited upon the Govr., and he made them the following speech:

I shall not trouble you with many words in y^e^ Occasion of my Calling you together at this time, but Refer you to the Papers before me.

In the Queen's manifest you'l find, I believe, all that can be said to Engage you to promote her Majesties Designs against Canada; You'l see the vast preparations made for that end, and the great forwardness of our northern neighbours to answer her Majesties Expectation from them.

I hope then you will not think yourselves unconcerned, but Cheerfully Enable me to raise and support the Quota of men assigned for this Province, or Else that you would make an Equivolent.

If I am not misinformed, this Province has not yet made any acknowledgement to the Crown, suitable to the greatness of the favours they have received; If so, Judge then yourselves what Cold Regards all your addresses home must meet with, Upon a failure of Duty on this Occasion.

I have now only to Desire you to give this matter the Dispatch the nature of it requires, for I cannot think of Entering on any other business with you till it is answered.

At a Council held at Philadia., the 20th of July, 1711.

PRESENT:

Y^e Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thomas Story,	Esq'rs.	Samll. Preston, Antny. Palmer.	Esq'rs.

Two of the members of the House of Representatives waited upon the Govr. wth. the Bill Intituled an Act for Raising £2000 to the Queen's use, by a Tax of 5½d. per pound, & 20 Shills. per head; The Govr. told them they should hear from him presently, and the bill being perused.

Thos. Story & Samll. Preston were sent by the Govr. to the House with a proposal of an amendmt. to the Bill, that y^e Effects raised by the said Tax shall be paid by the Treasurer as the Govr. shall direct and appoint.

At a Council held at Philadia., the 21st of July 1711.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Thos. Story,	Esq'rs.	George Roche, Samll. Preston.	Esq'rs.

Nathaniel Newlin & Nicholas Pyle, members of the House of Representatives, waited upon the Govr. with the bill as amended by the House, vizt:

That the £2000 shall be paid, with the Govrs. approbation; which being Considd. at the Board, it was thought unreasonable the Govr. should be put upon to seek the money Raised here for the Queen's use out of another Govmt., And to be so Crampt as that he Could not shew himself active in the Premises; Whereupon Dr. Owen and

Saml. Preston, were sent with the bill to the House, with these amendments, vizt: That the money Raised by the said Bill should be paid to the Govr. for the Queen's use, or otherwise that such Part thereof as is Imploy'd by the Govr. for the Queen's service should be first Deducted.

POST MERIDIEM.

PRESENT:

Yᵉ Honble CHARLES GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Griffith Owen,
Thomas Story, } Esq'rs.

Samll. Carpenter,
Antny. Palmer. } Esq'rs.

The Govr. acquainted the Board that the House had returned him the bill as it was before, and that Mr. Trent, one of the members, told him they Could not agree to yᵉ last amendment sent from this board; Whereupon Saml. Carpenter, Thos. Story, & Samll. Preston, were order'd to Carry the following message to the House, Insisting that the money to be raised by said Bill should be paid by yᵉ Govr. for the Queen's use, or that such Part thereof as shall be employed by the Govr. for her Majesty's service shall be first Deducted.

To which message another was returned from yᵉ House by Wm. Trent & Nicholas Pyle, together with the Bill signifying that the House could not agree to yᵉ amendmt. last proposed by the Govr., & praying him that he would be pleased to Dispatch it, for the House, were desirous to depart, & this was the only business before them; and they were told they should receive an answer by a message from this board in yᵉ afternoon, to wch it is adjourned.

The Govr. having appointed the Petitioners against the New Road, lately laid out by order of this Board, to attend this Day, to shew Wherefore the said Road should not be Confirmed, the said Petitioners come accordingly, but the Govr. being so taken up with the Assembly, He Could not Enter upon it, but acquainted them they should have new notice when they should attend it.

Robt. Assheton was thought fitt to be made a member of the Council Board, his Oath & other Qualifications were administred unto him accordingly by yᵉ Govr.

Samll. Carpenter, Thomas Story & Samll. Preston, were sent in a message to the House with the Bill for raising £2000 to the Queen, with the Govrs. reasons why he could not agree to the said Bill as it is now Drawn, who returning reported they had Delivered them accordingly.

Isaac Norris & Nicholas Pyle, in a message from the House, acquaint the Govr. that in as much as the House cannot as yet come to a Conclusion upon his last message, & the members are very uneasy on their being Detained thus long, they therefore incline to adjourn some days, and desire to know what time will best suit his

Conveniency that they should again attend him, to which the Govr. answer'd that the 26th instant might be as suitable time as any, for he should have time he hoped before that Day to take a turn to N. York to advise with Coll. Hunter there about it.

At a Council held at Philadia., the 1st of Augst., 1711.

PRESENT :

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Griffith Owen,
Thomas Story,
Richd. Hill, Esq'rs.
Isaac Norris,
Robt. Assheton. Esq'rs.

The Govr. sent for Indian Harry, & Ord'd. him to fetch some of ye Chiefs of ye Indians, who were come down with a design to go to Canada. He brought six of ym., and the Govr. asked them by Harry, the Interpreter, How many there were intended for Canada. They answered, about 5 or 6 & Twenty. It was askt them why they did not make the best of their way to the five nations, pursuant to Coll. Hunter's Letter to them. They reply'd that Coll. French would have had them to have come by way of New Castle, & promised to go along with them; but New Castle being out of their way, they came to Philadia., and expected him here. It was asked them whether they apprehended they were come here at the Govrs. request, or upon Coll. Hunter's Letter to them, as being under Covenants with the five nations to go to War, when they required them; they answered they came in obedience to Coll. Hunter's Letter, but they expected Coll. French to go with them. They were told that Coll. ffrench might have such a Design, but he was off of it, & askt ym. whether they would go to Burlington by Land or water, where they would have company enough of the forces raised there to go along with them, to which they said they would further Consider amongst themselves.

At a Council held at Philadia., the 7th of Augst., 1711.

PRESENT :

Ye Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Thomas Story,
Joseph Growdon, Esq'rs.
Samll. Preston,
Griffith Owen,
Robt. Assheton, Esq'rs.

Griffith Owen & Samll. Preston, Were sent to the House of Representatives to acquaint them the Council were sett, and that the Govr. was ready to receive them. The House waited upon the Govr. and he spoke to them as follows:

Gent.:

The Bill so long in hand for the Raising £2000 for the Queen's use, seems to me to be so Worded that it will not answer the End proposed, for if I am not mistaken there is no time menconed for payment; I therefore hastened to N. York to advise with Coll. Hunter, he told me that if a £1000 were forthwith paid, and the rest in provisions in a few months, it might be of use to the Queen, otherwise not. I intended to have been with you on the Day you adjourned to, but perswaded to stay one day longer for the arrivall of Coll. Nicholson, who not coming I hastened home, but was taken ill on y^{e} Road; however, you stayed not Long for me having mist your adjournmt.

You are now Legally called and Legally mett, I desire you will so frame the Bill, y^{t} it may in all points answer the end proposed, that is y^{e} service of the Queen.

At a Council held at Philadia., the 9th of Augst., 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Thomas Story, Judge Growdon, Esq'rs. Samll. Preston, Antny. Palmer, Robt. Assheton. Esq'rs.

Two of the members of the House brought to the board the act for raising £2000 for the Queen's use, with their amendment, as to the paymt. of y^{e} money, wch was agreed to by the Govr., as also the Clause inserted in y^{e} Bill, about apprentices & servts. leaving their masters, & Inlisting themselves in the Queen's service, which the Governour also agreed to.

Ordered, that Mr. Preston & Mr. Palmer Carry the said Bill to the House, at their sitting in the afternoon, and acquaint them that the Govr. agrees to it, and Desires it may be Ingrost with all Expedition, and that at the same time they Deliver the abstract of the Proprys. Lettr., Dated at London, 14th 1st mo., 1710. The 22d Inst. is appointed for the Hearing the Peticon. agst. the new Road.

At a Council held at Philadelpia., the 10th of Augst., 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Griffith Owen, Joseph Growdon, Esq'rs; Samll. Preston, Robt. Assheton. Esq'rs.

A message from the House of Representatives, Craving to know if the Council were sett, for the House were ready to wait upon the Govr. with the Bill for him to pass into a Law. They are answered that the Govr. is ready to receive them, and immediately the whole House of Representatives waited on the Govr. with the Bill, Entituled An act for Raising £2000 for the Queen's Use, by a Tax of 5½ per pound, & 20 s. per head, Which the Govr. passed into a Law, and immediately signed a Warrt. to the Keeper of the great seal, for him to affix the Seal to the same.

At a Council held at Philadia., the 22d Augst., 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,	Esq's.	Isaac Norris,	Esq'rs.
Samll. Carpenter,		Samll. ffinney,	
Thomas Story,		Samll. Preston,	
Joseph Growdon,		Robt. Assheton.	

The Petitioners against the new Road not appearing to make their objections agst. the sd. Road; It is ord'd., (it appearing that they have not had sufficient notice of the Day appointed for the hearing,) That they be heard therein the Twelfth of September next, of wch two or three of y^e Principal Petitioners to have notice, who may inform the parties Concerned if they think fitt.

Peter Bizalion's Petition from y^e Prison being read and Considered, It is the opinion of the Board, that he Enter into Recog., vizt.: himself in £500, and two sufficient securities in £250 apiece for his personal appearance at the next City Sessions, & behaviour and for his Keeping within y^e bounds of this City of Philadia., till the said Court.

And also James Le Tort into Recog., with good sufficient securities for his personal appearance next County Sessions & Behaviour, & for his keeping within y^e bounds of the City of Philadia., till the said Court.

At a Council held at Philadia., the 3d of Novr., 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,	Esq'rs.	Isaac Norris,	Esq'rs.
Samll. Carpenter,		Samll. Preston,	
Griffith Owen,		Jonathan Dickinson,	
Thomas Story,		Robt. Assheton.	
Richd Hill,			

Whereas, by an Order of this board of the 27th of Janry. last, Grounded upon a Peticon. for the Laying Out of a Road from the River Delaware, opposite to John Reading's Landing, to Philadelphia, the persons appointed to Lay out the same made their return, Which return was objected agst., & a Peticon. Exhibited that there might be a review granted.

It is therefore, Ord'd., that some Six of the Persons first appointed to Lay out the said Road, together with Samll. Richardson, Thos. Godfrey, George Shoemaker, Henry Bennet, Isaac Knight, Peter Chamberlain, Daniel Thomas & Toby Leech, or some four of them, do Review the said Road, & make such alteracons therein as may be thought most Convenient, and make their return into the Secry's office y^e 24th Inst., in order to be Confirmed.

At a Council held at Philadia,. the 19th of Novr., 1711.

PRESENT:

The Honble CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Caleb Pusey,
Richd. Hill,
Samll. Preston.
Esq'rs.

George Roche,
Antny. Palmer,
Jonathan Dickinson,
Robt. Assheton.
Esq'rs.

The Govr. laid before the board the great Difficulties & Inconveniencies the Countrey laboured under, by reason of the frequent adjournments of the Courts of Justice, and Desired the advice of the board, what methods were proper to take that Justice might have its true Currt., And the Courts be duly held ; & desired Capt. Roche & Capt. Palmer to give their Reasons why they Declined to act as Justices being in Commission, to which the first answered, that he was a stranger to a Late act of Assembly, which had made some alteracon of the affirmation from the Queen's order, He being then out of the Countrey, and that he perceived an uneasiness in the other Church Justices, & an unwillingness to act by that affirmacon. He was answered, that the Govr. and Assembly here, pursuant to the Powers to them Granted by the Crown of England, had thought fitt to make such an act, & till the Queen repealed it, it was a Law, & ought to be obeyed & not Disputed; Whereupon, he desired a little time to inform himself whether he could act safely ; But Mr. Palmer Desired to be Excused, for that he had resolved not to act by that affirmation.

At a Council held at Philadia., the 22d of Novr., 1711.

PRESENT:

Y^e Honble CHA. GOOKIN, Esqr., Ltt. Govr.

George Roche,
Richd. Hill,
Isaac Norris,
Esq'rs.

Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton.
Esq'rs.

The Govr. asked Capt. Roche, whether he had as yet informed himself if he could act safely as a Justice, pursuant to the New act for affirmacons; He answered he was of opinion that the Law was good till the Queen was pleased to Reject it & make it null; and that he was willing to serve the Govrmt. to his power, & would joyn with the other Justices in the constant keeping of the Courts, for that he was very sensible the Adjournments of Courts was very Detrimental to the Publick.

November ye 23d, 1711.

Be it Remembered, that we, whose names are hereunto subscribed, have at the request of some of the Jury appointed to Review the Road between Toby Leech's ffence corner & the place where the next Road Comes unto the old one, at the Corner of Griffith Mile's fence, & we accordingly have reviewed & measured the same, & find it to be Thirty & Eight pole, the wch is inconsiderate in Comparason of ye Goodness of the said Road, the old being much the better, the new one having several low places of Ground not good to be a Road at all, besides a great broad Swamp with a Creek therein, And a sudden rising Hill, almost impossible to be made a good road. Therefore, we desire the old one now in use may be returned & Established, otherwise we shall not be contented nor rest with the same. Also, it is further to be observed, as we have tryed that from the Creek, near above Toby Leech's meadow to the Bridge of the old Road near Benjn. Armitage's House, & so along ye old road to the place of meeting near Griffith Miles's ffence, is but sixteen pole Difference.

Matthew Zimmerman, Jno. Lucken, Samll. Powel, Thos. Gardner, Benj. Armitage, Thos. Potts.

At a Council held at Philadia., the 1st of Janry., 1711.

PRESENT:

Ye Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter, Thos. Story, Griffith Owen, } Esq'rs.
Samll. Preston, Jonathn. Dickinson, Robert Assheton. } Esq'rs.

The Govr. being on business at New Castle at the last meeting of the Assembly, vizt: on the fifteenth of October last, the Assembly adjourned to yesterday, & now the House Waited on the Govr., and presented Mr. Hill for their Speaker, who insisted of his Incapacity to undertake it, but the Govr. Well approving their Choice, he made them the following speech.

GENT:

"The Proprietor in his Letters to me, takes occasion to shew his

"Desire to serve the people of this Province, & leaves it to themselves to think on the means that may best Conduce to their own Quiet & Interest, and as it will be generally allowed that this Assembly is Composed of persons of abilities to serve their Countrey, I shall not at this time propose methods to you, but shall Content myself to Recommend that in all your proceedings you have great Regard to the Honour & Interest of the Crown, that of the Proprietor, & the Publick Welfare.

"These rules being strictly observed, you Cannot frame a bill I will not ready give my assent to.

"Under these heads the Indian Treaties, (more especially at this Juncture,) and the Common Exigences of Govrmt. may be Considered.

"As to my own particular, I must putt you in mind that I have been above three years Engaged in the affairs of the Province, & almost as long in it; What I have received of the Publick appears by the acts of the last Assembly, which is far short of what the Proprietor Gave me to Expect from the people.

"But as I am unwilling to require any thing that may give them yͤ least uneasiness, I shall leave this with what I have aforementioned to your prudent Consideration, (Gentlemen,) who are their Representatives.

At a Council held at Philadia., the 11th of Janry., 1711.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Griffith Owen,
Thos. Story,
Richd. Hill,
Joseph Growdon, Esq'rs.

Isaac Norris,
Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton. Esq'rs.

The Road from the River Delaware opposite to John Reading's Landing to Philadia., being reviewed & Returned, pursuant to an order of the board of the third of November last, Now was read, and is as follows: Pursuant to an order of the Govr. and Council, bearing date yͤ 3d of Novr., 1711: We, whose names are hereunder Written, do hereby certify that we have reviewed, and made such alteracons as seemeth to us most convenient, of a certain road beginning at the side of the River Delaware, in the County of Bucks, opposite to John Readings' Landing, & running from thence South West thirty perches, thence South thirty-five degrees, west sixteen perches, thence South ten degrees, west thirty-four perches, thence South Eleven degrees, West three hundred & forty perches, thence South So. west one hundred & seventy perches, thence So. Eighteen degrees, W. forty perches, thence S. W. Eighty perches, thence S. fifteen degrees, W. forty perches, thence S. W. Two hundred &

fifty-four perches, thence So. Twenty D., W. seventy perches, thence S. W. six hund'd. & forty perches, To Buckingham Meeting house; thence So. ten degrees, W. forty-two perches, thence S. W. one hund'd & six perches, thence S. forty Degrees, W. fifty-six perches, through the land of Thos. Watson on y^e North side; thence S. fif-fifteen degrees, W. twenty-six perches, thence S. W. Two hund'd & fourteen perches, thence S. ten Deg., W. twenty-four perches, thence So. thirty-seven Deg., W. Eighteen perches, thence S. six Deg., W. Eighty perches, thence S. W. forty-four perches, thence So. thirty Deg., W. fifty perches, thence S. forty-seven Deg., W. thirty-two perches, thence So. twenty-five Deg., W. fifty-six perches, thence So. W. one hund'd. & four perches, thence S. thirty-five Deg., W. two hund'd. & twelve perches, thence, S. W. one hund'd. & forty-two perches, thence So. seventeen Deg., W. thirty perches, thence So. two Deg., E. Eighty-four perches, thence So. Twenty-five Deg., East Thirty-eight perches, thence So. two Deg., E. twenty perches, thence So. fifteen Deg., W. four hundred & thirty-four perches, thence So. thirty-six Deg., W. Sixty perches, thence South fifteen Deg., W. five hund'd. & sixty perches, thence So. thirty Deg., W. forty-Eight perches, thence So. seventeen Deg., W. seven hund'd. & fifty perches, thence S. W. Eighty-six perches, thence So. seventeen Deg., W. five hund'd. & Twenty perches, thence So. fifty perches, thence So. fifteen Deg., East Sixty perches, thence seventeen Deg., W. Eighty perches, thence So. Twenty-seven Deg., W. fifty-six perches, thence So. Seventeen Deg., W. two hund'd. and Twenty-four perches, thence So. thirty perches, thence So. thirty Deg., W. two hund'd. & forty-two perches, thence So. forty perches, thence So. seventeen Deg., W. seventy perches, to Stephen Jenkins's, on the W. side of his house; thence So. twenty-eight Deg., W. Eighty perches, thence So. Eight Deg., W. Eighty perches, thence So. five Deg., West one hund'd. & sixteen perches, thence So. Twenty-four Deg., W. one hundred & twelve perches, thence So. ten Deg., E. ninty-two perches, thence S. W. forty perches, thence So. five Deg., W. Twenty-six perches, thence So. forty Deg., E. fourteen perches, thence So. Ten Deg., E. Eighteen perches, thence S. W. one hund'd. perches, thence So. fifty-Nine Deg., W. fifty-two perches, thence So. thirty Deg., W. thirty-six perches, by the House late of Rd. Wall, now in the possession of George Shoemaker; thence So. seventeen Deg., W. forty-two perches, thence So. Ten Deg., W. Sixty perches, thence So. two Deg., W. twenty perches, thence So. thirty Deg., W. two hund'd. & forty-seven perches, thence So. fifteen Deg. W. forty perches, thence So. W. twenty perches, thence So. seven Deg., W. twenty perches, thence So. three Deg., W. seventy perches, thence So. one hund'd. & fifty-two perches, thence So. fifteen Deg., W. two hund'd. and seventy-four perches, thence So. Eight Deg., W. three hund'd. & ten perches, thence So. seventeen Deg., W. one hund'd. & twenty-three perches. thence So. twelve Deg., East one hund'd. & five perches, thence So. seventeen Deg., W. one hund'd. & ninety perches, thence So. twenty Deg., E. one hund'd. & forty-six perches, thence South four Deg., W. Two hund'd. perches, thence So. twenty Deg., W. forty perches, thence So. seventeen Deg., W. one hund'd. & forty-four perches, thence So. two Deg., W. one hund'd. & Eighty-four perches, Into the End of the fourth Street from Delaware to Philadelphia.

Witness our hands this 24th of November, 1711.

Toby Leech,
Peter Chamberlin,
George Shoemaker,
Daniel Thomas,
Iaaac Knight,
Henry Bennet,
John Scarborough,
Thomas Watson,
Stephen Jenkins,
Nathaniel Bye,
Matthew Hughes,
Griffith Miles.

At a Council held at Philadia., the 14th of Janry., 1711.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edward Shippen, Thomas Story, Richd. Hill, Esq'rs.
Samll. Carpenter, Samll. Preston, Robert Assheton. Esq'rs.

It appearing by the Treasurers accompts. that a considerable part of the 2ds. per pound & 8 sh. per head Tax, & the 5½ ds. per pound & 20 sh. per head Tax, is still in arrear & unpaid to him by the Respective Collectors of the said Taxes. The Treasurer is therefore Required, That wthout delay he take the Directions of the Acts of Assembly, to force the Collectors to pay in the moneys or the other effects wherewith they are charged.

At a Council held at Philadia., the 1st of May., 1712.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Thomas Story, Esq'rs.
Griffith Owen, Robt. Assheton, Esq'rs.

The Govr. laid before the board an Address he received yesterday from the House, in answer to his Speech made to them the 1st of Janry., which was in these words.

May it please the Governour:

" We, the Representatives of the freemen of the Province of Penn-
" sylvania, in Assembly mett, having now taken into Consideration
" thy speech made to us at our last sitting, Do return our hearty
" thanks for the Propry's. kind regards & Desires for the Good of the

" People of his Province, Exprest in his Letters to thee, & the Ex-
" pectation thou art pleased to give us of thy ready assent, to such
" Laws as shall Contribute thereunto, Leaving the means & methods
" to our selves, which we shall always Endeavour with yᵉ best of
" our abilities to sett about with due Regards to the Honour & Inte-
" rest of the Crown, that of the Preprietor, & the Publick Welfare.

" Much business Does not, at first view appear to us, but we shall
" forthwith appoint Committees to Enquire into the Condition of the
" Countrey & state of our Laws, & in order thereunto crave leave
" to Desire the Govr. to lay before this House a list of such Laws
" as have been laid before yᵉ Queen, and such of them as have been
" rejected or Confirmed to us.

" And as we believe it our Duty to support thee according to our
" present abilities in thy administration of the Govmt., so we shall
" proceed to take into our Consideration the best method for that
" end."

He also laid before the board a Certificate he had received under the hands of Jeremiah Langhorn & Thos. Stevenson, Two Justices of the Peace of the County of Bucks, That Joseph Saterthwart & Hannah Alberson of that County, had lately sustained Great Loss by fire, to the value of £500, with a request that the Govr. would be pleased to Grant them a Brief or Licence to ask the Charity of the Inhabitants of this Province, of which the Govr. Desired the advice of the board, and the premises being Considered, It is the opinion of this board, that the Govr. Grant them a Licence for the same.

At a Council held at Philadia., the 13th of May, 1712.

PRESENT:

The Honble CHA. GOOKIN, Esqr. Ltt. Govr.

Edwd. Shippen, Joseph Growdon, Thos. Story, Griffith Owen,	Esq'rs.	James Logan, George Roche, Jonathn. Dickinson, Robt. Assheton.	Esq'rs.

The Govr. having received a Letter from Mounce Jones. of Manatanny, Dated the 4th inst., Purporting that four Indian Kings were there, & Desire the Govr. to meet them on the 8th at the said Jones's House, which Letter Came but to the Govr's. hands on the 9th; And now the Govr. desires the opinion of the Board whether he should go at this in person or send to them, being it's said in the letter they are going with their Belts to the five nations, & it is the opinion of the Board, the Assembly being now sitting, & the Governour's presence being required here, & the letter coming so late to his hands, that the Sherif or some other sufficient person be immediately Dispatched to Enquire further of their business, & to acquaint them of the time the Govr. received their Letter, & to Engage them to take Philadelphia in their way, if it may be with their Conveniency, or appoint some nearer place to meet the Govr., the Publick affairs here requiring his presence at this time.

A Peticon of Peter Bizalion being now read, praying that the Govr. would permitt him to trade with the Indians as he had formerly done; And the same being Considered, the Govr. Admitts him to a License under the Restrictions & Directions of the Laws of this Province.

The House of Representatives being adjourned to Yesterday, & then failing it seems to make a Quorum, the Govr. sent the following message to them in writing.

GENT:

Being informed that you failed of making a House yesterday, according to your own adjournmt., I am willing to believe the same was not by Design, & therefore think fitt if a Quorum be now present, to recommend the Dispatch of Publick affairs before you.

At a Council held at Philadia., the 16th of May, 1712.

PRESENT:

The Honble. CHA. GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Joseph Growdon,
Samll. Carpenter,
Thos. Story,
Caleb Pusey,
James Logan, } Esq'rs.

Richard Hill,
Isaac Norris,
Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton. } Esq'rs.

Willm. Wivall, who went on a message to the Indians, pursuant to an order of the last Council, reports to the Board that he Deliver'd the Govrs. message to the Indians at Manatauny, and that the Indians desired that the Govr. would meet them at Edwd. ffarmer's on Monday next.

A Peticon of a great number of the Inhabitants of the County of Chester, praying that ye Burrough of the Town of Chester, in this Province, may be made a free Port, was read & Considered; And it is the opinion of the board that the matter may be presented to the Propry., that he may take proper methods Concerning the same, & Consult the Comrs. of the Queen's Customs therein.

Richard Hill Exhibited an account of five pounds & four shillings money by him advanced for ye use and service of the Indians, the 22d of ffebry. last; the same was allow'd, & the Treasurer is ordered to pay the same.

At a Council held at White Marsh, yᵉ 19th of May, 1712, at yᵉ House of Edwd. ffarmer.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Lieut. Governour.

Edward Shippen,
Judge Growdon,
Samll. Carpenter,
Thos. Story, Esq'rs.

James Logan,
Richd. Hill,
Isaac Norris,
Jonathn. Dickinson. Esq'rs.

Present, also Thos. Masters, Jno. Budd, Sherif, Richd. Walker, Coroner, Edwd. ffarmer, Interpreter to the Indians.

The Govr. & Council having rode out to Edwd. ffarmers house, to meet the Delaware Indians according to appointment, before they sett out on their Journey to the five nations, Sasunnan their Chief, Scollitchy Ealochelan, & Eleven others, waited on the Govr., And he being seated with the Council, Scollitchy, their Speaker, addressing his discourse to the Govr. by the Interpreter, Declared, that many years ago being made Tributaries to the Mingoes or 5 nations, & being now about to visit them, they thought fitt first to wait on the Govr. & Council, to lay before them the Collecon they had made of their tribute to offer, and to have a Conference with the Govr. upon it, they thereupon laid on the floor 32 Belts of Wampum of various ffigures, and a long Indian pipe called the Calamet, with a stone head, a wooden or cane shaft & feathers fixt to it like wings, with other ornaments.

This pipe they said, upon making their submissions to the five Nations, who had subdued them & obliged them to be their tributaries, those nations had given to these Indians to be kept by them, that at all times thereafter, upon shewing this pipe where they Came they might be known to be the friends & subjects of the five Nations, and be received by them when they Came amongst them.

Then they proceeded to open their Belts, & Declared for what purpose & with what intention each of them particularly was sent.

The first belt they said was sent by one, who at that time of their agreemt. or submission was an Infant & Orphan, the son of a Considerable man amongst them.

The second Belt was presented by one who was also the son of one then Deceased, but Desired to be taken in & accounted as one of the children to those of the five nations, that he might have a clear & free passage amongst them.

The third belt is presented by another Orphan who Desires the same.

The fourth by a son of one then living, & sends it so large to Express his respect, as that it shall Cover the Pipe or Calamet.

The fifth is to Inform, that tho' the principal of the family that sends it be Dead, Yet they Continue their Obedience & shew their Intention by this present.

The Sixth sent by another who Desires to be regarded as a Child of the 5 nations.

The seventh by a woman who Desires to be Considered according to her sex; desires peace, that she may eat & Drink in Quiet, & is willing always to pay tribute.

The Eighth by a woman to the same purpose, desires she may make & keep fires in quiet.

The Ninth by a woman to the same purpose, that she may plant & reap in quiet.

The tenth by a woman, desires peace & ease from y^e rising of the sun to his going down.

The Eleventh by a woman, Desiring they may always have fair weather & sunshine wth y^e 5 nations.

The Twelfth by a woman, that a long time ago they made a peace & Desired that it may always be kept strong & ffirm.

The thirteenth by a woman that formerly the five Nations lived amongst us, that tho' now they are at a Distance they may live Quiet.

The fourteenth by a woman Desiring their Houses may be the same.

The fifteenth by a woman, that they are glad they can enjoy peace so quietly to bed and rise in the same manner.

The sixteenth, That formerly some french Inhabited among the five Nations, but a War breaking out, the five nations had Destroyed them, they pray that they may always do y^e same.

The Seventeenth that they shall always keep an Open & Clean House for the 5 nations, & be ready to receive them.

The Eighteenth That as they have had Houses among the 5 nations, they Desire they may always have the same privilege.

The nineteeth That they may build their houses firm, as to continue there long, and not be obliged to make them slight, as if they were on all occasions to fly.

The twentieth to the same purpose.

The twenty first that they build Houses & keep fires, without molestation.

The twenty second that they have built Houses, rest securely in them, & do not Doubt but they shall have the same liberty.

The twenty third, That formerly one of the Chiefs of those Nations came down & Dwelt among ym., that they Regarded him always as their superiour, & one of them.

The twenty fourth That when they arrive, they would fully hear & understand them; and that they may have Liberty to pass & repass in all places.

The twenty-fifth that they may make Racoon & other Blanketts to cloathe them, & sett Down in them in peace.

The twenty sixth that they are sorry the french should Destroy any of them, for that they take the Loss of any of them to be the Loss of themselves.

The twenty seventh That having heard that in their Warrs they had obtained a victory over the ffrench, they were very Glad, & Congratulated them upon it.

The Twenty Eight that they are glad their young men have the Privilege of going far from their own habitacons to hunt abroad in peace, & that they can return home & Eat & Drink & Enjoy themselves.

The Twenty Nineth that they are Glad they can go in peace to hunt far abroad, that they may return home & Eat quietly meat to make them Strong.

The Thirtieth they are Glad they can hunt & bring home relief to their poor relacons.

The Thirty first They are sorry that their Children as well as theirs die; that their Eyes have been so shutt up by it, that they could not see the Sun; Desire they may be opened, & that all may be cheerful.

The Thirty second They hope they will be pleased with the present now offered, and that their children will have it in Everlasting Remembrance; these last 24 were all sent by women, the Indians Reckoning the paying of Tribute becomes none but women & children.

These two Belts were given them, one by Govr. Penn when here, the other sent since by Coll. Evans to Conestogo, which they are also to carry with them, but Desire they may be now instructed what was intended by them.

They were told it was now Eleven years since they reced. this present from Govr. Penn in order to carry it up, & therefore they were asked why it was so long Deferred.

They answered, that the person who was to carry them (viz. Heteoquean,) died very soon after, and that they had not Concluded to this year who should carry them, but now they are going.

As to the two last presents, They were told they must shew them to yᵉ Chiefs of yᵉ five Nations as tokens of a firm & real friendship between them & us; they were Desired to acquaint the said Nations fully in what a peaceable manner, and with how much true friendship We had always lived with them, our nearest Neighbouring Indians, ever since William Penn first came into this Land, and wished that all others might take the same Methods, that nothing but peace & Love might reign among us; and when they should make this fully known to those nations, and shewed them these belts as tokens sent them for that purpose, and to bring them back again with them to be still kept by them, & by no means to be parted with. They were further Desired not to Enter on this subject, or to shew these Belts till they had intirely done their own business.

They presented a Bundle of Drest Deer Skins as an instance of their thanks to the Govr., for favouring them with his Company & hearing what they had to say.

They presented a second bundle of thesame kind,Declaring that they are sorry they are not better furnished, nor more Capable of Making a present suitable to their Inclinations & respect they bear, but at their return from the 5 Nations, when they bring the answer they shall there receive, they hope to offer something more worthy.

These presents being kindly accepted, filling their Calamet or long winged pipe with Tobacco, & lighted it, they presented it so lighted to the Govr. & each of the Council, &c., to smoak a few blasts of it, as the token of the greatest friendship that could be shewn.

It was proposed to the Board, that some small handsome present should be sent by these people to each king or Chief of the five nations, and accordingly it was Resolved, that a fine Laced Strowdwater matchcoat and a fine white shirt should be provided for each of the said Chiefs, & sent by these now going; Which being interpreted to them, they Expressed a great satisfaction in it, & offered their service Gladly to be the bearers of it.

It was then proposed what presents should be provided for these people in return of theirs, & being agreed on to the value of £—, they were ordered to be Delivered.

At a Council held at Philadelphia, the 21st of May, 1712.

PRESENT:

Ye Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Joseph Growdon, Samll. ffinney, James Logan,	Esq'rs.	Isaac Norris, Jonathn. Dickinson, Robt. Assheton.	Esq'rs.

A Peticon. of several of the Inhabitants of Bristol, Cheltenham & the Northern Liberties, and also a Petition of Hans Neyes, to be Relieved in some matters relating to the laying out of a new Road from Philadia. to John Reading's Landing, being read; It is ordered, yt the persons last appointed to review the said Road, shall attend this board upon Wednesday the 28th Inst., at the Hour of ten in the morning, to be advised with Concerning the same, and to take such further Directions therein as may be thought necessary & Convenient.

At a Council held at Philadelphia, the 27th of May, 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Edwd. Shippen, Samll. Carpenter, Griffith Owen, Thos. Story,	Esq'rs.	Joseph Growdon, James Logan, Jonathan Dickinson, Robt. Assheton.	Esq'rs.

The Govr. laid before the board several acts he had received from the Assembly, which had passed the house for his Concurrence.

An act Entituled an act for Establishing the lower ferry on the River Schuylkill; as also an act Entituled an act for Establishing & Regulating of ferries over Delaware & Neshaminy Creek, were read & Referred to the Consideration of y^o Commissioners of Property.

An act for the further securing the administration of the Governmt. was read, and some amendments proposed, made as follows, vizt:

No. 1. That the words (or in case the Ltts. absence out of this Govmt.) to be left out, and instead thereof a Clause to be inserted, Giving the Council Power of Administration in the absence of the Govr. till his return, Legislation Excepted.

2. Or untill the Proprietary & Govr. in Chief shall make further provision therein, which shall first happen.

3. As fully and amply as before.

4. Of the said Proprs. and Govr. in Chief, which shall first happen.

An act for the Raising Money on the Inhabitants of the City of Philadia. for the Publick use and Benefit thereof, the Bill is approved, Excepting the Confirming of Ordinances, to be yet made, Instead of which These ordinances may be passed into Laws, or after they are made & viewed, an act to be passed to Confirm them; But as the bill now stands, it would Certainly be rejected by the ministry at home, unless the ordinances themselves were Exhibited with y^e act.

An act for the better ascertaining the Publick Debts & Collecting the Arrears of County Levies; the Govr. is of Opinion that the Assembly's Wages & other Publick Debts ought to be Justly Discharged, but not after the manner proposed by this Bill; such Deductions & Defaulcations being not only Impracticable, but may be of ill Consequence where so great a Burthen must of Necessity fall on the meaner Sort, who will be obliged in a great measure to pay the whole money on any Publick occasion; Besides 'tis high time the Debts of the Counties were settled, and some methods taken about their Payment.

An act to prevent the Importation of Negroes & Indians into this Province; upon which 'tis proposed that,

No. 1. The officer as in other Cases be appointed by the Gov^r. & Council, & Commissionated by the Govr.

2. As the Law in such Cases to be made shall Direct, The Words (to be made) to be left out.

3. Leave out the Concurrence of y^e Assembly, And also these words, Whereof the Assembly of this Province shall be Judge.

4. A Proviso that no negroe or Indian belonging to the Province, either now out of it or now on Sea, or being sent out hereafter in business into another Government, or accompanying his master, be Lyable to payat his Return.

5. That the waiting servts. of travelling Gent. may be Intirely Exempted without leaving it to y^e discrecon of the officer.

An Act Concerning the Register Generall's office, The Govr. thinks two months time little enough to appoint the officer, and he's of opinion that that office ought to be kept at Philadia., for the whole province; for that it will be a greater Security to the Publick than to have it in so many Branches, and the Business thereof more certainly Dispatcht for the Ease of the People, where due and Constant attendance is given; besides, as it is an office whereon the estates of so many people in a great measure depend, the security seems too little; And how the Register General will be Counter secured in the other Counties, will be a Question. The distance can be no objection, for 'tis well known the People in England travel much further on such occasions.

At a Council held at Philadia., the 28 of May, 1712.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Thomas Story, Esq'rs.
James Logan,
Robert Assheton. Esq'rs.

The Amendments to the five Bills at yesterday's Council were now read and ordered to be Carried to the House by Thos. Story & Robt. Assheton.

At a Council held at Philadelpia., the 3d of June, 1712.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Ltt. Govr.

Samll. Carpenter,
Griffith Owen,
James Logan, Esq'rs.
Jonathan Dickinson,
Robert Assheton. Esq'rs.

The Assembly's answer to the Govr's proposals of amendments to the foregoing bills were Read & Considered, and his Reply to the Answers were annext to the Bills, and were ordered to be carried to the House in the afternoon by Jonath. Dickinson & James Logan.

At a Council Held at Philadia., the 4th of June, 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Govr.

Edwd. Shippen,
Samll. Carpenter,
Griffith Owen,
Thos. Story, Esq'rs.
James Logan,
Jonathn. Dickinson,
Robt. Assheton. Esq'rs.

The Govr. acquainted the Board that he had received a message from y^e^ House by two of their members, who Desired that a Committee of the members of Council & Assembly might Confer about some of the bills then before them, And that he had appointed the Conference at his house immediately ; Soon after the members of Assembly with the Speaker came, And the act for the better ascertaining the Publick Debts & Collecting the arrears of the County Levies ; The act for Raising money on the Inhabitants of the City of Philadia., for the Publick use & benefit thereof; And the Act concerning the Register General's office, their several proposals of Amendmt. were read & fully Debated; As was also y^e^ Proposals of Amendmt. to the Property bill, And then the Speaker Desired the Govrs. answers about the said Bills ; the Govr. told him he would Consider of the matters Debated, and that they should hear from him in the morning.

At a Council held at Philadia., the 5th of June, 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Edward Shippen, Samuel Carpenter, Griffith Owen, Thomas Story, Esq'rs.
James Logan, George Roche, Jonathn. Dickinson, Robt. Assheton. Esq'rs.

The Govr. gave his sentiments as to Yesterday's Debate of the Bills, & Thos. Story, Samll. Carpenter, Jonathan Dickinson, & James Logan, were ordered on a message to the House to Deliver the same.

At a Council held at Philadia., the 7 of June, 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governr.

Edwd. Shippen, Samll. Carpenter, Griffith Owen, Thos. Story, Esq'rs.
James Logan, Jonathn. Dickinson, Robert Assheton. Esq'rs.

A message Came from the House to acquaint the Govr. that the Bills were ingrossed, and to know what time the Govr. would be ready to receive the House to pass them ; the Govr. acquainted them that he was now ready to receive them, and thereupon the Speaker, with the House, waited on the Govr. & Council with the Bills to be passed into Laws, and the Govr. passed the several following acts, vizt. :

An act for Confirming Patents and Grants.

An act for the better asceataining the Publick Debts & Collecting the arrears of County Levies.

An act for the Raising Money on the Inhabitants of the City of Philadelphia, for the Publick use and Benefitt thereof.

An act for the Better Govmt. of the City of Philadia.

An act Concerning the Register General's Office.

An act for Impowering Religious Societies to Buy, hold & Enjoy Lands, Tenements & hereditamts.

A Supplementary act to a Law about the manner of Giving Evidence.

An act for Establishing the Lower ferry on the River Schuylkill.

An act for Establishing & Regulating ferries over Delaware River & Neshaminy Creek.

An act to prevent the Importacon. of Negroes & Indians into this Province.

An act for the further Securing the adminiscon. of the Govmt.

A Supplementary act to an act Entitled an Impost act Laying a Duty on Negroes, Rum, Wine, Spirits, Cyder, Vessels, & appropriating Certain sums of money arrising by the same & other Publick Stock of this Province, and a Warrt. to the Keeper of the Great Seal for affixing the same to the said Laws, being prepared, was signed by the Govr., & orders were given that the Sherif should Cause them, when sealed, to be Publickly proclaimed.

At a Council held at Philadia., the 23d of July, 1712.

PRESENT:

EDWARD SHIPPEN, Presidt.

Joseph Growdon,
James Logan,
Richd. Hill,
Isaac Norris, } Esq'rs.

Samll. Preston,
Jonath. Dickinson,
Robert Assheton. } Esq'rs.

Several Indians being arrived some Days ago from Conestogoe, on business of importance, (as they said,) and having waited Eight Days for their Interpreter, they at Length mett the Council this day; Tagodrancey or Civility, a War Captain & Chief, with Tanyahtickahungh, the old Speaker, Knawonhunt, & Soachkoat, two Brothers, & some others being sate, they first presented a bundle of Deer skins, and by Indian Harry, their Interpreter, said: That the Proprietor, Govr. Penn, had at his first Coming amongst them made an agreement with them that they should always Live as friends & Brothers, and be as one Body, one heart, one mind, and as one Eye & Ear; that what the one saw the other should see, and what the one heard the other should hear, and that there should be nothing but Love & friendship between them & us forever.

They presented a small bundle of furrs, & said that on their part they had always kept up to this Agreement, And should constanly observe it in all respects; that if any thing came to their knowledge relating to us, they would always like brothers and friends acquaint us with it, and if at any time any forreigners or Strangers came among them they would (as they had always done,) give notice of it immediately at Philadelphia, and in all things would acquit themselves according to what they had promised & Engaged. They presented two bundles of skins together, & said That on our part we had promised them to regulate the Trade that was carried on with them at Conestogo, And had spoke of Lycenses to be given to the Traders, by which means all abuses were to be Rectified. But that since Lycenses were granted they found themselves worse Dealt by than Ever, they received less for the Goods they sold The Traders; were worse Treated & suffered more Injuries, Which they desired the Council would Inquire into, & know why it was so, & cause it to be Redressed.

They presented a fifth Bundle, & said, that the Cattle the Traders kept, hurt & Destroyed their Corn; Civility gave an account of his coming with Divers of their people, in a friendly visit to the old french woman, M. L Torts' house; that without any provocacon she turned them out of doors, & that upon their Expostulating upon it, she told them the house was her own, that that Land was hers, for she had bought it of Govr. Penn, & proceeded to insult them very rudely; they therefore Desired to know whether this was so or not, & whether she had any authority to act in such a manner.

They were told by the board that the Council were much troubled to find they had occasion to complain, but they were desired to use such a freedom with us as became Brothers, and not receive any thing, but Lay all their Grievances before us, whoever the persons offending might be, and it should all be Considered & answered together.

They preceeded to complain of M. Le Tort, and particularly the old Queen Conguegoes Represented that the sd. M. L. Tort did ym. great Damages by keeping of Hogs, and that at twice she turned them into the Queen's Corn in her own sight.

They said that they had often taken horses out of their Corn & carried them to their owners; that sometimes they would not acknowledge them to be theirs, but that when damages were done by any, all the Traders would Deny that those horses did belong to any of them that did it; upon which one of them they said Resolved to take a method to find to whom one particular horse belonged, for having taken him out of his Corn three several times, he at last shott him, that the owner meeting with that loss might be discovered by his complaints.

They added that one Sheerwill had lived amongst them for two years without planting any corn; that notwithstanding he had still enough, furnishing himself by stealth; & that he had sometimes been taken in the fact, but that he had now left the place.

They are told that all these matters should be Enquired into, Considered and answered altogether in the morning.

They desired that they might be acquainted with what news we had either from New Y. relating to the Indians, or from other places; and some time being spent on these severall subjects, they are told they might withdraw, which they did accordingly, and the Council Entring into the Consideracon of what had been delivered. It was Resolved, that these Injuries requiring an immediate Redress, care should be taken to procure satisfaction to the Indians for the losses they had already sustained, and that they should be prevented for the future by obliging these traders to remove from so near a Neighbourhood to them without any delay, and that none of them should be suffered to sitt Down among these people; all which was referred to be further Considered to morrow.

The acct. of their presents being taken, they were found to be,

30 Deer skins, valued at about 3–6d each,	£5	5	
2 half bears,		7	
3 foxes at 18d. each, 6 Racoons, at 1sh. ea.,		10	6
3 Beavers at 5s. & one Drest Doe's at 3–6,		18	6
The whole amounting at the highest computation to	£7	01	0

And 'tis Ordered that another should be provided to return to them, vizt:

6 Stroudwater Matchcoats.
6 Duffils.
6 White Shirts,
50 lb. of powder,
1 cwt. of Lead, Besides a stroudwater & a shirt to Harry the Interpreter, & two small shirts to two of his Children, and then adjourned till to morrow at 3 in the afternoon.

At a Council held at Philadia., the 24th of July, 1712.

PRESENT:

EDWD. SHIPPEN, Presidt.

Joseph Growdon, James Logan, Richard Hill, Esq'rs.
Isaac Norris, Jonathn. Dickinson, Robt. Assheton. Esq'rs.

The board taking into Consideration the Complaints made by the Indians, They thought fitt to Order, That the Traders whose Cattle had done damage to the Indians, should be forthwith obliged to make Compensation to the satisfaction of the sufferers before they left the town; And as had been before resolved, that none of them should be suffered to live any longer amongst that People, but should this fall at farthest remove to Greater Distance, and not be allowed on any terms to keep any cattle & other horses than what are for their immediate service, unless they should live on Purchased Land.

The several other heads spoke to by the Indians being also Considered, the Secry. was directed to answer them from the Board, according to the Instructions now agreed on & Giving him, and accordingly the Presents Yesterday ordered to be Returned to them being mostly gott ready, & they themselves called in, the Secry. spoke fully to every particular, the heads of which are as follows: That the Bond of friendship & Brotherhood made by the Proprietor, Willm. Penn, with their nation, was so strong that we Doubted not that it would ever be broken; that both we & they had hitherto Inviolably kept it, and we were Glad to see them on their parts Desirous to strengthen it, and therefore took their presents very kindly.

That we, on our parts, thought this Bond so strong that it Could not be made firmer by any presents; Yet to shew how acceptable any tokens of their friendship were to us, and that they might be supplyed with some things necessary, in Consideration of their Long Journey to visit us; We desired them to accept what we had provided for a Return to them, Repeating what those presents were, & Delivering them all but the shirts which were not yet ready, and the provisions to be Given them in the morning. That in relation to their Complaints of Trade, they must Consider that the end that all Traders had in view by Buying & Selling, was to gain something by it to themselves. That unless they could Buy at such a rate as that, they could sell the same Goods for somewhat more, so as to live by the Profit, they would lose their Labour & none would follow it. That all Commodities some times rose in price & at other times fell, and that the Traders must buy at such Rates as their Buyers Could afford. That most of all the Skins & furrs bought of the Indians were sent to England, when the people were numerous like the Leaves on ye Trees, and received all the Goods on the main from Carolina, Virginia, &c., & so to Hudson Bay, that these Goods happen'd now by their plenty to be Low in England, and English Goods high by reason of the War. That it was owing to these Causes & not to the Traders being obliged to take Lycences; That their Trade was now so low, (as some ill people who would not subject themselves to any orders might suggest to them,) That the Reasonof Granting Lycenses was that none should be allowed to trade with them, but such as should give security here to Deal honestly by them, and not Injure them in any of those points they had formerly Complain'd of; that by these means we could at all times, by the Security they gave here, punish them whether present or absent for any Disorders they Committed, and therefore that these Lycences were of the Greatest Benefitt to the Indians, and that if they were any way Injured in Trade they ought to Complain to us. That from the security the Traders had given, We might oblige them to make reparation; That we were heartily sorry they had such occasion of Complaint on other accounts than those of trade; and that the Traders proved such Bad neighbours that none had ever been allowed by us to settle amongst them but Peter Bizalion, and that not only he but the rest that had done them Damage should forthwith make them satisfaction. They were therefore ordered to settle the acct. of their damages with the persons who had done them by to morrow morning, and were promised that they should be made good to them.

At a Council held at Philadia., the 14th of Augst., 1712.

PRESENT:

Ye Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Thos. Story,
James Logan,
Richd. Hill,
Isaac Norris, Esq'rs.

Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton. Esq'rs.

The Govr. laid before the Board a letter he had received from Coll. Hunter, Govr. of N. York, Dated the 11th Inst., Requesting him to pay the £2000 lately given to the Queen by acts of Assembly here, to Mr. Trent, whose receipt should be a sufficient Discharge for the same; and requested the opinion of the Board thereupon; & the matter being fully Considered, It is the opinion of the board, (the Expedition agst. Canada being so long ago over,) and the moneys not yet fully Collected nor paid into the Treasurer's hands, that it will be the best & safest way to Lett the money remain in the Treasury till the Queen's Immediate order shall be produced for the payment thereof.

At a Council held at Philadia., the 14th of October, 1712.

PRESENT:

The Honble CHARLES GOOKIN. Esqr., Lieut. Governour.

Griffith Owen,
James Logan,
Richd. Hill,
Isaac Norris, Esq'rs.

Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton. Esq'rs.

Sosannan, Scollitchy, Eallochelan, with some other of the Indians waited on the Govr. in Council, &c., and by Edward ffarmer, Esqr., who interpreted for them, say that when they went wth their tribute to the five Nations, they were very kindly received by them; that they Delivered the presents sent by the Govr. to the Chiefs of the five Towns, who received them very kindly and thankfully.

They presented five several small Bundles of skins, about ——— ea., & a small bundle of Beaver, which they said were sent by those nations to the Govr. in return to the presents which they had received.

The first was from that Town our Indians call Mechatenawgha, or

Sennecaes, being the Tsanondouans, & consisted of six Beavers, & ——— drest skins.

The second is from the Cayoogoes, about 5 skins.

The Third from the Onondagoes, abt. ——— 5 skins.

The fourth from the Onoyootes, a like Quantity.

The fifth from the Cannyingoes or Mohocks.

They presented a belt of Wampum from the Son of one of their Chiefs, called Mechelokeety, who formerly had been here, & was kindly received, & hoped to return, but being prevented by Death, now his son sends this in hopes that when he comes he shall meet with the friendship his father had before him, and they desired it may be accepted in return of one of the belts sent ym. from us, By our Indians.

They present edanother larger Belt of Wampum sent from the same person menconed before, who is now the Chief of the Senecaes, Declaring with it that formerly when Captn. Cock was living, some presents had been sent by this Government, but were Intercepted by those of Albany, through a suspition that a Correspondence with us would be injurious to that Trade ; But now they sent this to lett us know that they desired a Trade might be opened between them & us for the future, for that they had been ill used by those of Albany.

They presented from themselves & their Nation a parcel of Deer skins to the Govr. for him to make Breeches for himself & friends.

They also presented a small bundle of Deer Skins for Gloves.

They presented a small Bundle, in remembrance of the Treaties of friendship which their nation formerly had amongst us, & Desire the same may be always as it had been between us & them.

They presented a fourth small Bundle of skins in Remembrance of ye friendship yt has been between their old people & this Govmt., which they Desire may always Continue as Brothers of the same Land & nation.

They presented a fifth small Bundle, Desiring that an open & free passage may be for them, their Wives & Children, and those of the five Nations, yt they may Come to Buy & sell with us.

They presented a sixth, Desiring that when they came to Philadia. to trade with us, they may not be imposed on, but have a full value for their Commodities.

All which skins from the Delaware Indians amounted to 49 Bucks & 71 Does, vizt: 120.

To which the Govr. answered that he was Glad to see them safely return'd, and that they had had so good success in their Journey; that he received their Presents very kindly, and would see them again to morrow or next day, and they were Desired to Inform the Govr. what friends of theirs they had brought with them.

Thereupon one of the Senecaes presents some strings of Wampum, Desiring of this Govmt. that there may be a Road opened between this place & their nations, that they may have a free & open trade with us whilst the Sun endures.

The same Senacaes made a present of a small bundle of Beaver skins & four Does with it, Declaring that they had been long seeking to find true friends, but had not hitherto succeeded; they now hoped they had mett with such in us, as would prove really so; they Desired therefore that their might be a Constant friendship & Correspondence Establisht between us, that they might always have a free & open trade with us, for which purpose these were sent before by their nation, and that in the Spring many others would Come with Great Quantity of Goods to trade with us.

The same Delivered a small bundle of Beavers, Declaring that they have been hitherto very much abused by those of Albany in their Trade, in Not allowing them any tolerable price for their Goods; That now they hope they have found those who will Deal more justly by them that henceforth they may be Encouraged to pursue their hunting again, Which they have for some time Declined, not finding it worth their while to Labour for that wch brings them so little advantage.

To which the Govr. answered, That we were very Glad to see them here, and kindly accept of their presents; that since Govr. Penn's first Coming he has ever Esteemed them as Brethren, and we Desire we may still continue so, that we have provided some things for them as a Token of our Love & respects; That we should have been Glad of having an opportunity of trading with them long ago, but hope we shall hereafter trade together, & that they shall always meet with fair usage, but the price of Commodities falls & rises according to the markets in England, where we send furrs & skins.

The amount of the whole presents of the five Nations is :

5 Beavers, 7½lb. at 3-6,	£1. 6. 3
25 Bucks & Does, ordinary at 3s.,	3. 15. 0
2 Bears,	0. 9. 0
	£5. 10. 3

ffrom our Nation :

49 Bucks at 5s.,	£12. 5. 0
71 Does at 2-6,	8. 17. 6
	£21. 2. 6

ffrom the Senecaes :

15 Beavers, 23½lb. at 3-6,	£4. 2. 3
5 Does,	0. 12. 6
	£4. 14. 9
The whole presents amount all to,	£31. 7 6

At a Council held at Philadelpia., the 15th of October, 1712.

PRESENT :

Ye Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Samll. Carpenter,
Griffith Owen, Esq'rs.
Thomas Story,

James Logan,
Robt. Assheton. Esq'rs.

The Assembly waited on the Govr., And presented Isaac Norris to be their Speaker, who observing the usual form, the Govr. made them the following speech.

Gent. :

The Proprietor, in a late Letter to a member of the Council, has signified his Intentions of surrendering the Govrmt. in a few months, & I have reason to believe I shall not be Continued under the Crown. Therefore, I have the less to propose to you, but if you can think how I can serve the Publick during the little time I may be in the administration, I shall be very ready to do it.

What I have to offer is, That for the Credit of the Province, you would take such measures as the money you have granted may be punctually paid when demanded, & that the Debt which the late Assemblys have allowed may be honorably discharged, for which 'tis to be doubted there is no sufficient fund Provided.

And among these, (Gent.) I hope the two hundred & fifty pounds, part of the sum granted to me, may not be made a postponed Debt of the Province.

That the Debts on acct. of Indian Treaties ought to be forthwith paid I believe you will allow, As also the necessity of sending these strange Indians, now in Town, away well satisfied.

They have proposed, in behalf of the five Nations, to Establish a free & open Trade between them & us for the future, which I believe will well deserve your Encouragement.

Gent. As the first Assembly I mett had a regard to the Charge of my coming over, so I hope you Gent., who in all probability will be the last I shall meet, will have some Consideration of the Charge of my going back, since my Great end in it is to wipe off the Calumny thrown on me for passing some acts the people thought necessary, & otherwise my endeavours to serve the Proprietor & the Publick.

Now after all I can hope for & my administration over, I shall find myself a great Looser by Coming to Pennsylvia. But this is a Melancholy subject, at least to me, and I shall wave it, & only wish that every member of this Assembly would make my case his own, & then Lay our Saviour's Great Rule to mankind before him.

Mr. ffarmer exhibited an acct. of £15, 3s. 10d., by him Disbursed on account of the Indians, Dated the 19th May, 1712, which is allowed him with an addition of £3 for his Entertainment of the Govr. & Council & their attendance.

At a Council held at Philadelpia., the 16th of October, 1712.

PRESENT:

Ye Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Samll. Carpenter, Griffith Owen, Thomas Story, Esq'rs. James Logan, Robt. Assheton. Esq'rs.

Richd. Hill, Caleb Pusey, Jona. Dickinson & Thos. Stevenson, members of the present Assembly, presented to the Govr. the address of the House in answer to his speech, which was read in these words.

May it please the Governour:

We the Deligates of the freemen of this Province of Pennsylvia., in Assembly mett, having read & considered thy speech to us this day, do find ourselves in Duty bound to answer the same in ye several parts thereof, to ye best of our power.

And in order thereunto we shall appoint a Committee to Inspect ye Publick accts. of this Province, & prepare matters for the better dispatch of business at our next meeting.

The Circumstances of ye Representatives being such yt they find it will be a great Inconveniency to their affairs to attend at ye season; We therefore propose to adjourn to ye 15th Day of Decembr. next, unless ye Govr. shall see cause to call us sooner, and we are of opinion yt such a time of adjournmt. will be no prejudice to ye affairs of ye Province, nor the matters proposed to us by the Governour.

We find there is a law Impowering ye Govr. & Council effectually to supply ye Treaties wth ye Indians; But if money be at present wanting, this House is so hearty for a good Correspondence wth them, that if the Govr. will be pleased to name the sum now wanted upon ye present occasion, this House will take it into Consideracon, & allow a suitable supply forthwith by a vote to be a publick Debt of this Province for that service.

The Indians also attending the Govr. and Council again this Day, with E. ffarmer, their Interpreter, the presents prepared for them by the Treasurer, amounting to £50, 6, 6, were Delivered ym., with a speech proper to the occasion, for which they returned their hearty thank, & then taking their Leaves, they withdrew.

Ordered, that John Orton's bill, amounting to £2, 6s. 5d., for the mending of 12 Guns, &ct., for the Mingo Indians, when they went upon the Expedition, is paid by the Treasurer.

The Treasurer Exhibited an act. of £96, 13, 10¼, Disbursed by him on ye acct. of the Indians, is now Inspected & allowed.

POST MERIDIEM.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Samll. Carpenter,
Griffith Owen,
Thomas Story,
Caleb Pusey,
James Logan, Esq'rs.

Richd. Hill,
Isaac Norris,
Samll. Preston,
Jonath. Dickinson,
Robt. Assheton. Esq'rs.

Whereas, divers of the Inhabitants of the City and County of Philadia., by their Petcon. now Exhibited & read, pray an alteration of a new Road lately laid out from the River Delaware, in y^e County of Bucks, opposite to John Reading's landing to Philadia., & that in Lieu thereof the Road formerly laid out from Nathll. Pools, to Willm. Coates's Corner, and so over the Govr's Mill Creek, to y^e said Mill's Landing place, & from thence in a direct Course to the end of y^e lane between y^e lands of Isaac Norris & Job Goodson, may be made the Publick Road from this City, to joyn y^e said new Road at the Lane aforesaid. It is therefore Ordered, that Richd. Hill, Jonathan Dickinson, Thos. Masters & Job Goodson, Rich. Walne & Wm. Coates, or some four of them, do lay out the same accordingly; and at the same time they view the Land of Hans Neys, who Complains of great Damage done him by the Courses of the said Road, & give him such Relief as may be reasonable.

ROBT. ASSHETON, D. Secry.

Willm. Davis, a Justice of peace in Chester County, for his indiscreet proceedings in marrying of Wm. Havard & Eliz. the Daughter of Capt. Roche, is ordered to be left out of Common.

Ordered, that Samll. Carpenter & Thos. Story, in a message from the Govr., inform the House of Representatives that there is in disburse about fifty or sixty pounds for the Charges of Indian Treaties, over & above the yearly allowance of £50 per annum allowed by law for that service, after the full value of all their presents are Deducted; as therefore there is a number of them in town on an Important Treaty, the Govr. hopes the House will make such a resolve as may Justify & enable the Treasurer to Defray the said Charges. as also that they inform the House the Govr. agrees to their proposed adjournmt. and the said members returning, reported they had delivered their message, and that the Speaker said he would recommend it to the House.

At a Council held at Philadia., the 14th of Janry., 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Samll. Carpenter,
Griffith Owen, Esq'rs.

James Logan,
Robt. Assheton. Esq'rs.

A Peticon of James Letort's was read, praying that he may have a Lycense Granted him to Trade with the Indians, &ct., which being considered, he is approved on, & may have the Governour's Lycense accordingly.

There were also read the return made by four of the 6 persons appointed at the last Council, for altering the new Road laid out from Delaware, in Bucks County, opposite to John Reading's Landing, to Philadia., so far as between the end of the front street of Philadia. to the lane between I. Norris's & Job Goodson's Plantations, in these words:

In pursuance of the above order the Govr. & Council, We, the persons therein nominated, have laid out the Road thereby Directed; beginning at the North side of Vine street, in the middle of the front street of the City of Philadia. on Delaware side, & thence proceeding by the several Courses and Distances herein after following, vizt: North Twenty-one Deg., Easterly fifty-two perches to N. Pool's house; North Twenty-two Degrees, Easterly fifty-six perches to Danll. Pegg's porch; North Twenty-one Deg., Easterly sixty-one perches, N. one Deg., W. sixty-six perches, N. two Deg., W. sixteen perches, over the marsh & Mill Creek; N. Twenty-two Deg., W. thirty perches, N. fifteen Deg. and an half, W. Thirty perches, N. Eighteen Deg. and an half, W. forty-four perches, N. four Deg., W. Sixty perches, North one Deg., East forty perches, N. Eight Deg., East Eighty perches, N. fourteen Deg. & an half, W. Twenty-nine perches, N. four Deg., W. sixteen perches, N. two Deg., E. Eighty perches, to the lane between Isaac Norris & Job Goodson, the place to which we are ordered to carry the said Road. In Witness whereof we have hereunto sett our hands & Seals the Seventh day of January, in the Eleven Year of Queen Ann, Annoq Domini, 1712.

Richd. Hill, Thos. Masters,
Jonath. Dickinson, Job Goodson.

At a Council held at Philadelpia., the 18th of febry., 1712.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.
Samll. Carpenter, Griffith Owen, Esq'rs.
James Logan, Robt. Assheton. Esq'rs.

The Govr. laid before the board two Bills he had yesterday recd. from the House of Representatives; the one intituled An Act for the Limitacon of actions, &c., which was read, and the objection following was made, vizt: The Govr. is of opinion that the first clause in the bill requiring that no writs be brought for mannors, Lands, &c., to be sued, unless they be commenced within seven years, &c. The same does not suit the Nature and Circumstances of this Province, and may happen to be prejudicial to very many; But agrees to the rest of the bill, excepting the Proprys. Quitt rents, and would rather the first part be drawn into a bill by itself, better adapted to the various circumstances of lands in this Province, wch very widely differ from those in England ; and y^e Treasurer & Secry. are Ord'd. to carry the said Bill to y^e House, particularly mentioning to ym. the proposed two amendments.

The other Bill Intituled an act reviving, Explaining & Continuing several Laws in this act mentioned, was also read & agreed to ; & 'tis ordered to be returned to the House by Griffith Owen & Robt. Assheton, who are Directed to propose further to the House that they would add a Clause to it for effectually Collecting the arrears of the £2000 granted to y^e Proprietor by a former act, past in the year 1700, at New Castle.

But y^e House finding there had been an act passed at Philadia. in the year 1705, Judged it altogether sufficient for that purpose.

At a Council held at Philadia., the 21st of febry., 1712.

PRESENT :

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Samll. Carpenter, Griffith Owen, Thomas Story, Esq'rs.
James Logan, Robt. Assheton. Esq'rs.

The Govr. laid before the board three bills he had received from the House yesterday, by two members, vizt. Capt. Geo. Roche & another, under the following Titles : 1st. a supplement to y^e Law intituled an act that no Publick House or Inn within this Province be kept without Licence ; 2d. An Act for laying a duty or Excise upon sundry Liquors, and also upon hops, to answer several Exigencies of the Govmt. : 3d. an act for Establishing Orphans Courts, which were severally read. To the two first of which there was no objection made, & therefore Samll. Carpenter & Thos. Story were ordered to return them to the House as approved of, but were directed to say on the bill Relating to Publick Houses, that the same thing might, in his opinion, be as effectually settled without a Law for it ; and on the 3d. vizt : the act for Orphans Courts, they were to inform the House it was an act of too great Importance to be Hurried, and he must take some time to Consider it ; and the Assembly in 2 or 3 days after, applying to the Govr. again to the same purpose, & receiving for answer that y^e bill appears to him of such importance to the whole Countrey that he thinks himself indispensably obliged to take Judge Mompesson's opinion upon it, pursuant to the proprietors Instructions to himself in all Difficult or Doubtfull points in the Laws. That he would endeavour to obtain this with all possible dispatch, after which, & not before, he should be Capable of giving them an answer ; whereupon they proposed to him to adjourn for a month, wch being agreed to they did accordingly, to the 23d of next month.

24th of March, 1712-3.

The Govr. sent to the House by Robt. Assheton a written message in these words.

GENT:

Being informed that you failed of making a House yesterday, according to your own adjournment, I am willing to believe the same was not by design, & therefore think fitt (if a Quorum be now present) to recommend the Dispatch of Publick business now before you.

At a Council held at Philadia., the 26th of March, 1713.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Samll. Carpenter, Griffith Owen, Esq'rs. Thomas Story, Robert Assheton. Esq'rs.

The Govr. having receiv'd Judge Mompesson's answer to the Bill for Establishing Orphan's Courts, sent it to ye House Yesterday, with some proposed amendmts., which the House could not agree to; & therefore as they were not judged very material, the Govr. thought fitt to wave them, & accordingly Griffith Owen & Robt. Assheton is Ord'd. to return it to the House, & signify to them that the Govr. is Content to pass it as it is.

The Govr. further laid before the board a bill he had receiv'd from the House, Intituled an act for amending divers laws therein mention'd, which was read & one Clause in it objected to, which the same members of the board were also Ordered to take them to the House, mentioning to them that objection, & returning, they reported yt they had done accordingly.

Two members from the House, Cl. Plumsted & Nich. ffairlamb, brought up the bill for the Limitation of accons. with the House's Concurrence to ye Govrs. Amendments, & further signifying yt the Govr. & the House having agreed to all the bills depending, the Govr. was Desired to appoint some members to Joyn a Committee of the House in the morning, to examine the Engrossed Bills, in order to their being passed.

At a Council held at Philadia., the 27th of March, 1713.

PRESENT:

Ye Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Samll. Carpenter, Griffith Owen, Esq'rs. Thomas Story, Robt. Assheton. Esq'rs.

The Engrossed Bills being Duly examined, these five acts were passed into Laws under y^e following Titles, & being first signed by Isaac Norris, Speaker.

1st. An act for Reviving, explaining & continuing several Laws in this act mentioned.

2d. An act for Limitation of actions.

3d. An act for Establishing Orphan's Courts.

4th. An act for amending divers laws therein mentioned.

5th. An act Laying a Duty or Excise upon sundry Liquors, & also upon Hopps, to answer the several Exigences of this Govmt.

The Govr. also sign'd a Warrt. for affixing the Great Seal to them, and an order to the Sherif to proclaim them to morrow noon, in the usual manner.

At a Council held at Philadia., the 8th of June, 1713.

PRESENT:

Y^e Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Samll. Carpenter, Griffith Owen, Isaac Norris, Esq'rs.
James Logan, Robt. Assheton. Esq'rs.

The Young Indian Called Civility, one of the Chiefs of Conestogo, with Harry the Interpreter, having arrived here two days ago, & desired to deliver a message from the nation, the Govr. Called a Council thereupon, & being mett, he presented to the Govr. two small parcells or strings of Wampum, wch they said were Delivered them by certain messengers from the Cayoogoes & Onoyootoes, two of y^e five Nations, who had been lately at Conestogo, & desired to know what was the message that those who came from y^e said nations had deliv'd. here last fall; for that they were apprehensive some of the Tsanondowans had some ill design agst. us; a proposal having been made that several hundreds were to Come down in a body, under pretence of Trading, which might be attended with Ill consequences.

The substance of the minutes then taken we told them, & that as they came on a message of friendship, we had made them a suitable answer; that we always had been friends with them, and Desired so to Continue; that being such, they were free to trade with us, as all others were, & that we hoped we should have no cause to apprehend any thing further from them. They were particularly acquainted that our Queen had now made peace with the ffrench, and we were all to live amicably together; that the ffrench now durst not injure an English man, nor an English man one of the french, any more than one of their own nation; But that upon the whole we took their care shewn by this Information very kindly, and desired them always to Continue the same Disposition towards us, as we should shew ourselves friends to them.

Ordered, that Care be taken of them whilst in Town, and that the Treasurer (Civility being now one of the Chiefs of their nation) provide for him a good Stroud, a Shirt, a hatt, and a pair of Stockins & a match coat for Harry, with some small tokens for his Children, with some Rum, Tobacco & bread.

At a Council held at Philadia., the 16th of July, 1713.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Griffith Owen,
Richd. Hill,
James Logan,
Isaac Norris,
Esq'rs.

Samll. Preston,
Jonath. Dickinson,
Robert Assheton,
Esq'rs.

Coll. Hunter, y^e^ Govr. of New York, his Letter to James Logan, Secry., Dated the 13th Inst., (being a Copy of one to the Govr.,) was read, purporting that one James Mark, who had lately Counterfeited some of the New York Bills of Credit, being (as he supposed) here, & Requesting our Assistance in the Apprehending & securing him; And the said Mark being this morning apprehended and now in prison; It is the opinion of the Board that the said Mark be forthwith sent under safe conduct to Burlington, & Delivered to the Sherif or some of the Chief Magistrates there, in Order to be sent forward by them to New York.

At a Council held at Philadia., the 10th of Augst., 1713.

PRESENT:

Y^e^ Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Griffith Owen,
Isaac Norris,
Samll. Preston,
Esq'rs.

Jonathn. Dickinson,
Robt. Assheton.
Esq'rs.

Nathaniel Pope, of West Jersey, aged about thirty two years, on his affirmation saith:

That on fryday last, two sailors, who had passes from hence to go to N. York, told this affirmant at Burlington, that there lay a small sloop at Philadia., who, as they gave it out, intended to go to seek a wreck at fflorida; But that they had some other Designs, & intended to go upon y^e^ Padd; That y^e^ master of a vessel would have had them to have gone with ym., & told ym. that altho' the vessel was small, they would soon have a bigger, & pulled an orange out of his pocket & sd. he would sail round that, meaning y^e^ world, as he believes.

NATH'LL. POPE.

These appearing not only by the above deposition, but other reasons y^t^ the above sloop now lying at Chestnut street wharf has some ill design, it is therefore ordered that the Sherif or his Deputy Immediately search the said sloop, & secure her sails & anchors, till further ordr. shall be taken therein.

At a Council held at Philadia., the 15th of Augst., 1713.

PRESENT :

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Griffith Owen, Thomas Story, Richard Hill, Esq'rs. Isaac Norris, Robt. Assheton. Esq'rs.

Upon further Enquiry & Examination of the Intentions of the person Interest'd & Concerned in the Sloop, in y^e Order of the last Council mencon'd, And nothing appearing but that their designs are legal & honest. It is therefore ordered, that the sails & anchors taken from the said vessel, by virtue of y^e said last order of Council, be Delivered them back by the Sherif.

At a Council held at Philadia., the 12th of October, 1713.

PRESENT :

Y^e Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Richard Hill, Griffith Owen, James Logan, Samll. Preston, Esq'rs. Jonathn. Dickinson, George Roche, Robert Assheton. Esq'rs.

The Govr. putt the Board in mind that y^e meeting of the Assembly of this Province was Drawing nigh, & Deem'd to know if they had any thing in their mind to Lay before them, & there appearing nothing new, it was referred to the Govr., Only that the Govr. would be pleased to acquaint the Assembly that there is a very great abuse in the manufacture of flour, which if not stopt will very much Lessen the Reputation of the Province, & ruin the Trade thereof.

Mr. Logan acquaints the Board, that by the Proprys. Commission to him as Secry., he is also Constituted Clerk of the Council, to act by himself or Deputy, that Robert Assheton has acted as his Deputy therein since his Going for England, that Ralph Assheton now begins to be fitt and Capable of business, and with the approbation & Consent of the board, he is willing to Constitute him his Deputy Clerk of the Council, to wch proposal the Board unanimously agreed.

At a Council held at Philadelpia., the 15th of October, 1713.

PRESENT :

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Griffith Owen,
James Logan, Esq'rs.
George Roche,
Samll. Preston,
Robt. Assheton, Esq'rs.

The Govr. laid his speech before the board, & desired the Councils opinion & advice upon it, and it being read it was agreed to, and a message being sent to Call the House they Came, and presented Joseph Growden to be their Speaker, And then ye Govr. spoke to them as follws.

GENT. :

The Governmt. is not yet surrendered to the Crown, & its Probable will not for many months, & Consequently I am still invested with the Proprietors Power, Which I am ready to make use of for the welfare of the People, in all their Reasonable Expectations.

But I must first Recommend to you, as I did to ye last assembly, that the £2000 Granted for the Queen's use, may be made ready paymt. when Demanded ; And that the Complaints of those persons, whose servts. were on the Expedition to Canada may be answered, for notwithstanding the Powers Given for the Raising that money, tis not yet paid in.

The Law for Cultivating a friendly Correspondence with our neighbouring Indians, I am Informed is almost Expired. In my opinion, it will be necessary to keep up a friendship with them after the usual manner, tho' in time of Peace, since upon that foot we have always acted with them.

I am Concerned to hear that the Reputacon. of this Province in its Chief Manufacture, (wch was once so good) is now so much sunk abroad, Occasioned by the Covetous & Disingenerous Practice of some Bolters. This may be worth your Consideration.

Gent. : I take this opportunity to Give the Countrey my Thanks for the Care that was taken for my support; my administration of the Last assembly, and tho' the funds fall very short, I believe they intended well, and I promise myself the Defficiency will be made up by you.

And as there is no Govmt. in America where the Govr is not in some measure supported in his administration, I hope you will not make a president in me of the contrary ; I shall urge this no further, but leave it intirely to your Consideration.

The Speaker desired that those three things that were accounted the Privileges of ye House should be granted them, vizt. : ffreedom of speech, free access to the Govr. & a favourable construction of their proceedings, Which the Govr. assured them of.

In the afternoon of the same day the Govr. reced. from the House ye following address.

May it please the Governour :

The Delegates of the freemen of this Province of Pennsylvania, in Assembly mett, having considered thy speech to us this day, do crave leave to acquaint the Govr. that the same hath due weight with us, & that we shall Employ our best Endeavours to answer the Sev'll matters therein directed to our consideration.

But this House apprehending there is no part thereof wch requires an Immediate dispatch unless that of the support, and that in order thereto, they shall be better enabled to make a Calculation of the publick funds and Deficiencys, when the Trade of this Year is closed by the winter, have thoughts of an adjournment to a further time, & accordingly propose the Twenty Eighth Day of December next, if that may suit the Governour.

And therefore at this time only in general add, That we return our hearty thanks for thy Continued offers of using thy Powers for the Welfare of the People.

That the last Assembly having (as was then presumed) Effectually provided for the due Collection & payment of the two Thousands granted to the Queen's use, this House will be ready to do what further may appear necessary on their parts, & in Order thereto Crave the Govr. will be pleased to Direct the Defects, & what is further Needful to be done therein, be more particularly laid before us at our next meeting.

That we still Continue the opinion of the Good people of this Province have always retained in relation to a friendly Correspondence with the Indians, & shall accordingly provide for its continuance.

We Joyn heartily with the Govr. in our Concern at the Reputation of this Province, should not suffer by the Disingenerous Practices of any in our Manufactures, & shall think of what ways we can for Remedy.

And lastly, as it is our Inclination & Intention, according to the best ability of those we Represent to support the administration of Governmt., so we shall appoint a Committee to Inspect the Publick accts. & Enquire into the Provisions wch have been made by the late Assemblys, that at our next meeting we may be Capable to shew the Govr. Our Readiness in that Case.

Janry. 1st, 1713-4.

To Charles Gookin, Esqr., Lieut. Governr., &c.

The address of y^{e} ffreemen of y^{e} Province of Pennsylvia., in Assembly met.

Humbly Sheweth :

That complaint having been made to this House that there are two several persons at one & the same time officiating as Register General of this Province, wch we upon Examination find to be true ; & are of opinion that it is Injurious to the Queen's subjects to be left at such uncertainty, & to be obliged for better Security to the Extraordinary Charge of taking out Letters of administration from both, as some have done.

That upon hearing of Peter Evans & Benja. Mayne, the two persons pretending to the said office, it appears to this House that both have Commissions for Executing the said office of Register General; The said Peter Evans from our Proprietary Willm. Penn, bearing Date 21 June, 1712, & Benja. Mayne from thyself, bearing Date 28 July, 1712; And it further appears that y^e said Peter Evans hath given Security, & filed the same in the Prothonotary's office, as the Law of this Province directs, which the said Benja. Mayne having failed to do, & yet retaining the Papers & Records belonging to y^e said office, this House is of opinion the same is become a further Grievance, & a plain Elusion of the Law.

Therefore it is the opinion & Request of this House that y^e said Papers & Writings, as also the seal belonging to y^e said office, be lodged in the Hands of the said Peter Evans, who by the Security Given as aforesaid, is obliged to re-deliver the same, with all other papers in his Custody, whenever it appears that another has a better Right to Exercise the said office.

17th, 12th mo., 1713-4.

To CHARLES GOOKIN, Esqr., Lieut. Govr. of y^e Province of Pennsylvia.:

"We, the Representatives of the Freemen of the said Province, " in Assembly mett, the 17th Day of february, 1713-4, being much " concerned that the Govr. should be prevailed upon to insist That " we are not a House, because Eighteen of us did not meet on the " Eighth Instt., Do Earnestly desire that the Govr. would be pleased " to be informed That it was not any willfull neglect or slackness of " duty to serve the Publick, that was the cause of so small an ap- " pearance that Day, but sickness & Extremity of Weather, ren- " dered it impossible for Divers to Comply with that adjournment.

" Nevertheless fifteen mett that Day, & Eighteen the next, & " would have waited on y^e Govr. to know his pleasure concerning " their next meeting; But the Govr. not being in Town, y^e members " then present being a majority of the whole, agreed to Come to- " gether at this time, as was lawfull for them to Do, & hath been " formerly done upon such Emergency, and we hope the Govr. will " not be offended with us for being of this opinion, when he fully " Considers the Constitution & Nature of the Legislative authority " of this Province.

" We Desire the Govr. to take notice, That the Royal Charter " gave our Proprietor & his Deputies Power to Enact Laws, by and " with the advice & assent of the freemen of this Province or the " Greater part of them or of their Delegates, whom for the Enacting " the said Laws, when & as often as need should require, the Pro- " prietor & his heirs should assemble in such sort and manner as to " him & them should seem best.

“ Now by this Clause the law of majority is absolutely settled, as is usual in all such assemblies: and pursuant to ye said power, We find the Proprietor & freemen have Constituted a Standing annual Assembly, to be Chosen at a certain Day, requiring their attendance under certain Penalties, allowing them divers Priviledges in particular, besides all the Privileges of Assemblies in the Queen's Dominions in General.

“ We know it is objected, that unless two thirds of ye whole number of Representatives meet on ye Day of adjournment, there Can be no House; which we can in no wise allow: Because by the Law wch requires two thirds to make an Assembly, it has been generally understood that a lesser number could not act Legislatively; But never doubted till of late, that such as mett were a House to adjourn from Day to Day, till they had a Quorum, & to admitt of another Construction would render the Powers of ye said Royal Grant, as well as our laws in that point, very ineffectual, and make the Act of God the Instrument of Doing that great Wrong to the Powers of Assembly, contrary to known Maxim & principal of Law.

“ Therefore we Desire that the Govr. may Duly consider ye Premises, and Joyn with us in Legislation, and not suffer the Insinuations of any to frustrate our good purposes to serve the Govr. in particular, & the Country in General.

By Order of the House,

JOSEPH GROWDON, Speaker.

At a Council held at Philadia., the 16th of July, 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Griffith Owen, James Logan, Isaac Norris, Esq'rs.

Samll. Preston, Robert Assheton. Esq'rs.

The Govr. acquainted the board that he had received from the Lords Commrs. of Trade for Plantacons, a Packet wherein was Inclosed the Procl. of Peace with Spain; as also the Queen's Confirmacon & Repeal of several Laws of this Province, but the Reason of the Repeal of the sd. Laws (altho' said to be also inclosed) was not there; and the same being read, were ordered to be Published to morrow morning, at the hour of Eleven, and that the Corporation of Philadia. should have notice to attend.

It is also ordered, (the law for Establishing Courts of Judicature being one of ye Repealed Laws,) that Robert Assheton prepare a Draught of an Ordinance to revive the Courts, to be laid before the board on Monday morning next at the hour of Nine.

At a Council held at Philadia., the 19th of July, 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Richard Hill, Jonathn. Dickinson,
James Logan, Esq'rs. Robert Assheton. Esq'rs.
Isaac Norris,

Pursuant to the last order of Council, Robert Assheton laid before the Board the Draught of an Ordinance for Establishing Courts of Judicature in this Province, which being read, It was ordered to be Ingrossed & Published on Wednesday, the 21st Inst.

Ordered, that Warrts. Issue out to the Sherifs of the Respective Counties, to give notice to y^e present Assembly to meet the Govr. at Philadelphia, y^e 3d day of August next.

At a Council held at Philadelpia., the 4th of Augst., 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Caleb Pusey, Samll. Preston,
James Logan, Esq'rs. Robert Assheton. Esq'rs.
Jonathn. Dickinson,

Robert Assheton was sent on a message to the House to acquaint them the Govr. required their attendance immediately, & made report they would wait upon the Govr. forthwith.

The Assembly attending, the Govr. made them the following speech.

GENT.:

I have lately received from the Lords Commrs. for Trade & Plantacons., as well the Confirmacon. as allowance of several of our Laws, which according to Her Majesty's Command I have made Publick. I lay the Letters & Orders before you, & recommend the state of the Province at this Juncture to your Consideration.

You will find in the Lords Commissrs. Letters mention made of the Sollicitor General's reasons for the Repeal of some of the Laws, but they are not yet come to my hands.

I have only to add, that the year being almost Expired, you would give some dispatch to those affairs I laid before you at your first sitting.

To which on y^e 6th of August, the Assembly present the following address.

The Address of the Representatives of y^e freemen of y^e Province of Pennsylvia., in general Assembly mett.

To Charles Gookin, Esqr., Lieutenant Governour of the said Province.

May it please the Governour:

We are obliged in duty to acknowledge thy Care & Diligence in signifying to us the Queen's Pleasure concerning our Laws; and now having maturely Considered the Difficulties which the Repeal (laid before us) will bring upon the People, we find there is a necessity of preparing certain Bills, in order to be passed into Laws for their relief under the present Exigency. But for want of the Sollr. Genls. report of Reasons of y^e said Repeal, We cannot at present Enter upon those Bills, lest we Re-enact what our gracious Sovereign has thought fitt to disallow, or fall short in making such provision for the ease and utility of her subjects, as in her great Condescension she may be willing to grant. We hope y^e said reasons may shortly come to the Govrs, hands, & if it happen before y^e next Election, we shall be Willing to do what is proper on our parts; In the meantime, y^e Course of Justice may not meet with an Intire stop, (as we conceive) Because y^e Conusance of Pleas & other necessary Powers are so amply & effectually granted to the Justices of the respective Courts by their Present Commrs., and so well warranted by Law and the Royal Charter for this Province, that y^e Repeal of the late Law of Courts does not vacate them.

Now for as much as the Ordinance lately made for Erecting of Courts if put in Execucon, may prove offensive to y^e Queen, in that it seems to re-enforce the substance of the said repeal'd bill of Courts, adding likewise some powers to the six Weeks Court, wch may be as prejudicial to the People in General, as these Courts have been to the Inhabitants of the City & County of Philadia., And not only so, but it brings the Govr. under a necessity to put the Province to the Inconveniency of New Commissrs. to the Magistrates in every County, who for the most part being of the People Called Quakers, to act by those new Commissions without a Law, which we think may not be Decent or prudent to proceed upon, till we know the Queen's further Pleasure therein.

Therefore may it please the Govr. to wave the said Ordinance, & Issue forth such a Declaration or other Publick Instrument as may Direct the Approaching Courts to be held at the usual Days, Times, & places, & to Continue the Pleas & process then Depending before them, till the succeeding Courts, & to make all new process returnable accordingly. Before which time We hope that this or the next assembly may be furnished with the Sollr. Genlls. Opinion, which will be an Encouragement as well to proceed to ye Business formerly before this House, which also is recommended now by the Govrs. Speech, as to answer the Govrs. Just Expectations, & Establish the People in their Rights & Liberties.

And y^e next day, vizt: y^e 7th of Augst., the Govr. sent by Ralph Assheton y^e following Written message to y^e House, GENT.:

I endeavoured yesterday all I could to gett a Councill to advise with what answer to give to your address, but in vain; if there should be a failure of what is necessary for the Public Good at this Juncture, I hope it will not be imputed to me, as I was ready to do my part.

Although the Reasons for the Repeal of some of our Laws are unhappily left behind, it does not follow that the Current of Justice should be stopt, as of necessity it must, if some Provision be not made for Inquest & Evidence. I leave it to your Consideration whether the Postponing a Law to that end may not be prejudicial to the Countrey.

If you incline to adjourn, I hope you will Examine the Treasurer's acts, that I may know what money is Due to me from the Publick.

At a Council held at Philadia., the 1st of October, 1714.

PRESENT:

Griffith Owen,
Richard Hill,
James Logan,
Isaac Norris, Esq'rs.

Samll. Preston,
Jonathn. Dickinson,
Robt. Assheton. Esq'rs.

Several Indians being come to town from Conestogo, & the Govr. being very much Indisposed, the Council mett to receive What they had to offer; And Togodhessah, Sotayyoght, Tokunnyataawogha, with some others, presenting a Bundle of Drest Skins, represented to the Board.

That they had always hitherto made it their practice to inform this Govmt. of all things of momt. that past amongst them; That they living in a near Neighbourhood & friendship with the Shawanois, they thought it convenient to acquaint us that Opessah, the late king of y^e said Shawanoise, having absented himself from his people for about three years, & upon divers messages sent to him still refused to return to them, they have at length thought it necessary to appoint another in his stead, & presented the person chosen, by name Cakundawanna, to the board, as the new Elected King of the Shawanois, Desiring the approbation of this Govmt. of this their Proceeding.

The Board answered that what measures they thought fitt to take for their own Peace & safety among themselves, should be approved by this Govmt. as far as Just, and 'tis hoped what they have done was of necessity, & that they are satisfyed in it.

They then presented a 2d Bundle of drest skins, & said:

That they had informed us their old Queen was dead, as also are all their old men who formerly appeared for their nation, that they are now succeeded by a younger Generation; That our methods are to keep Records of what is Transacted in writing, but that they also have sure ways of transmitting from one Generation to another what is necessary to remember, that these now living well know the leagues & bonds of friendship that have been between the English & their fathers, & that they, their Posterity, are resolved inviolably to observe the same.

In answer they were told their Present with what they said upon it, was kindly accepted, & they were desired to continue the same methods their ffathers had done, & to train up their Children in the same friendship towards the English that they themselves had been, that we & they may live in a firm peace together in all time to come.

The skins presented are 9 Bucks, & 15 Does, Drest, wth 1 raw Buck, value about £3. 15. in y^e^ whole. Ordered, that a Return be made to y^e^ value of about ten pounds, with a present also to Harry, the Interpreter, besides their Charge; & that the Treasurer see it performed, entering the acct. into these minutes.

At a Council held at Philadelpia., the 15th of October, 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Griffith Owen, George Roche,	Esq'rs.	Robert Assheton, Esqr.

The Govr. laid his speech before the Board, & Desired the Council's opinion & advice upon it, & it being read, it was agreed to.

A message being sent from the House to know if the Govr. was ready to receive them. He told them he was ready to receive them, And the House being come they presented David Lloyd to be their Speaker, Who observing y^e^ usual form, the Govr. spoke to them in these words.

GENTLEMEN:

The last year being run out, & nothing done by that Assembly. I must refer you to what I laid before them at their first sitting, & to what I Delivered to them the 4th of August.

The Speaker desired that those three things that were accounted y^e^ privileges of the House should be granted them, viz: Freedom of Speech, free access to the Govr., & a favourable construction of their Proceedings, Which the Govr. assured them of.

A message to the Board from the House, by Richd. Hill & Nicholas Pyle, signifying that the House being informed there is no legal notice as yet arrived in this Province of the demise of the Queen, for which reason the House are under some difficulty how to proceed, in respect to their Qualifications; therefore, they are inclined to adjourn to the 13th of December next, unless the Govr. see cause to call them together sooner.

At a Council held at Philadelpia., the 23d of October, 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

James Logan,
Richard Hill,
Isaac Norris, Esq'rs.
Jonathn. Dickinson,
Robert Assheton, Esq'rs.

Mr. Logan acquainted the Board, that Coll. Hart, Govr. of Maryland, had received by the last Post from Coll. Hunter, Govr. of New York, a Gazette & Proclamation Relating to the Queen's Death, of which he had taken a Copy which he delivered to the Govr. & was read at the Board; and forasmuch as the King had been proclaimed at Boston, N. York, & y^e^ Jerseys, askt the advice of the Council if it was proper we should take the same measures; and it was the opinion of the Council it should be done with all expedition, & Wednesday the 27th Instant is appointed for the same. And accordingly, on the said 27th day the Elector or Hanover by the Title of George, by y^e^ Grace of God, King of Great Brittain, ffrance & Ireland, was Publickly proclaimed in the Markett place by the High Sherif of Philadia., the Govr. and Council, with the Corporation & its officers & the Gentlemen of the City attending, who were all handsomely entertained at Dinner by the present Mayor Richard Hill.

At a Council held at Philadia., the 23d of Novembr., 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Richard Hill,
Isaac Norris, Esq'rs.
Jonathn. Dickinson,
Robert Asshcton. Esq'rs.

Upon the Peticon. of William Dilort, setting forth that he with several others, late Inhabitants of Placentia, since the surrender thereof, Embarkt themselves & Goods for Cape Britton in Accadie, on board the Sloop Margaret, Thos. James, Commander; and meeting with a great storm at sea about Thirty five Leagues of the said Cape, were forced to scudd. for three days with the wind at N. North East, till they reckoned they were in y^e^ Latitude of Thirty nine Degrees or thereabouts; And the said master finding they were in no wise like to reach the said Cape, it being too late in the year, & the Wind blowing very hard, thought it more safe to make the best of his way hither; And he the said Petitioner having on Board a small quantity of Oyl, Brandy, Claret, Gunpowder, and some mill'd Stockings he brought with him for his own use, Craved Leave of this Board to Dispose of the same, or as much as would suffice to support himself & six other persons During this Winter; And the premises being Considered, It is the opinion of the board, that the Collector & Naval Officer Do sell & Dispose of the said Goods, or suffer yᵉ said Willm. Dilort so to do.

At a Council held at Philadia., the 14th of Decembr., 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esq'r., Lieut. Govr.

James Logan, Isaac Norris, Esq'rs. Jonathn. Dickinson, Robert Assheton. Esq'rs.

A message to the Govr. from the House, By Samll. Preston & Nicholas Pyle, to inquire whether he has received any particular Directions from the Ministry in Relation to yᵉ Qualification of these members. To wch he answered that he had nothing particular of that kind, but had received some papers, which as they might not be unfit for their perusal, he would now send to them, & accordingly he Delivered the following:

1. A Letter signed by the Lords of the Privy Council, dated at Whitehall, 10th August, 1714, notifying yᵉ Death of Her late Majesty the Queen, & directing yᵉ Govr. to proclaim his present Maty., K. George.
2. A Letter signed by the Lord Bolingbroke, to the same purpose.
3. A Letter from the Lords Commissioners of Trade & Plantations, to the same Purpose.

At a Council held at Philadelpia., the 17th of Decembr., 1714.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

James Logan, Isaac Norris, Esq'rs. Jonathn. Dickinson, Robert Assheton. Esq'rs.

The Govr. acqainted yᵉ Board that he had last night reced. a message by 4 members of the House of Representatives, (vizt:) Nicho. Waln, Rd. Hill, Jos. Kirkbride, & Nathll. Newlin, informing him yᵗ one John Millar, a Representative for Chester County, was Deceased since yᵉ last Election, & therefore they pray'd him to Ordr. the Secry, to issue a Writt as yᵉ Law Directs, for Electing another to serve in his stead; also that no less than nine members of their

House being absent, & as they were informed, Detained by sickness, that the Govr. would be pleased to issue writts of summons to all the members of the House to meet him in assembly at Philadelphia, y^e 2d of next month, by which time it might be hoped there would be a sufficient number in health to attend the Publick business; for which considering the late repeal of our Laws, there appeared now to be more than ordinary occasion; and the Secry. was ord'd. to issue a writt for the Election of a member in the place of the Deceased, but the day for meeting the Assembly was thought fitt to be Deferred somewhat longer, vizt: to y^e 11th of January next.

N. B. Samll. Preston Declining to take y^e Qualifications injoyned by the Law, y^e Speaker issued his Order to y^e Secry. to issue a writt to y^e Sheriff of Philadia. for electing another Representative in his stead.

At a Council held at Philadia., the 28th of febry., 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut Governour.

Griffith Owen, James Logan, Isaac Norris, Esq'rs.

Samll. Preston, Jonathn. Dickenson, Robert Assheton, Esq'rs.

The Govr. laid before the Board several bills he received from the Assembly, which were read vizt:

A Bill for continuing a friendly Correspondence with the Indians.

A Bill Directing appeals to Great Brittain.

A Bill of Privileges to a freeman.

A Bill for better Determining Debts & demands under 40s., & for laying aside y^e 2 weeks Court.

A Bill Impowering Religious Societys, to Buy, hold & Enjoy Lands, Tenements & hereditaments.

A Bill for Establishing & Regulating fees.

A Bill for y^e assigning of Bonds, Specialties & Promissory notes.

A Bill for y^e Better recovery of fines & forfeitures Due to y^e Govr. & Govrmt. of this Province.

A Bill for the better ascertaining the Practice of y^e Courts of Judicature in this Province.

A Bill for Establishing General Quarter session.

A Bill for Establishing Courts of Common Pleas.

A Bill for Erecting a Supream Court of Law & Equity.

The Attorney Genall. & Robert Assheton are appointed to Inspect the Bills for Establishing Courts & make their objections, & lay before the Council at their next sitting.

At a Council held at Philadelpia., the 2d of March, 1714-5.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Lieut. Govr.

Griffith Owen,
James Logan, Esq'rs.
Isaac Noris,

Samll. Preston,
Jonathn. Dickenson, Esq'rs.
Robert Assheton.

The Bill for Continuing a friendly Correspondence with the Indians was read, and the following amendments were proposed, vizt:

a. Add he shall be immediately apprehended, &

b. It shall be menconed to whom the security is to be given.

c. Add which Lycenses shall be Renewed yearly upon the same Recommendacon, unless y^e Court who granted it see cause to Retract it, & notify the same to the Govr.

d. Lett the penalty be the same as in the former Bill; it is the only method to Discourage such Trade, for to suffer the Goods to be Carried away, & only arrest the persons trading, (which abroad in the woods will be scarce practicable,) and to fine him no sum exceeding Ten pounds, will no way answer the Intention; the Goods may be first secured, and y^e Trader have his Tryal afterwards at Court upon this act, whether they are forfeited or not. But it is highly necessary at this time that sufficient provision be made to prevent our Indian Trade being carried into the Neighbouring provinces, which as the Govr. is Credibly informed is attempted by some merchants of great Note, who live in other Govmts., and seeing this Province is at the Charge of maintaining friendship with our Indians, 'tis but reasonable that it should have what Benefitt Can be had from their Trade.

e. Read for their own immediate use & Cloathing of their families, and not for merchandize.

f. Lett the last Clause in the former Expired Bill be added.

POST MERIDIEM, 2d 1st mo., 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Griffith Owen,
James Logan, Esq'rs.
Isaac Norris,

Samll. Preston,
Jonathn. Dickinson, Esq'rs.
Robert Assheton.

The following Bills were read, & amendments made, to witt:

BILL FOR THE COURT OF COMMON PLEAS.

aa. All original & Judicial Writts ought to Issue from the office. 'Tis endeavoured by the Bills now proposed, to make the practice Regular, but without this method it Cannot be so; 'Tis the practice not only of England, but other Govmts., nor is it fitt that any writt should be under a Private Seal.

b. To Estreat but once a year is too Tedious.

c. It seems to be so ordered by this Bill, and yᵉ Bill for Practice, that not so much as a summons or writt of arrest can be had without ffeeing an attorney; and tho' the fee proposed for a precipe be but one shilling, Yet the fee allowed for undertaking any Case must first be paid. The Assembly are Desired to Consider it, as also why most of the Clerk's business should be putt in yᵉ attorney's hands.

BILL FOR QUARTER SESSIONS.

a. Subpœnas, &ct., should be under the County seal, & no otherwise for Divers reasons, & this particularly, that those of one County are not obliged to know every Magistrate of another.

d. Read according to Law & the Directions of the Judges.

BILL FOR PRACTICE.

aa. If a Writt abate, unless there be a precipe filed, an attorney must necessarily be Imployed before any person can be arrested, as in note & in yᵉ Court of Common Pleas.

eee. The House is Desired to Consider whether the Practice in these Cases, Mark (e.) and the sev'll. Days for Pleading, were not better appointed by Rules of Court; that if found in one moment, may be altered; also whether the six Week's Court may not be so ordered as that Business may be very much Dispatcht by it without Injury to any person; see the reasons for it given in the ordinance.

f. Writts of Error being Directed to the Inferiour Court, are allowed by the Justices of that Court, & the security given there, & not in the Court, in which they are to be removed.

g. So that the Real Debt & Damages be of the value of fifty pounds.

BILL FOR RECOVERY OF FINES & FORFEITURES.

The Govr. agrees to yᵉ General Design of this Bill, being Desirous that yᵉ Assembly from time to time may see what these fines, &ct., amount to; but thinks the method of Estreating them too Tedious, nor Can he agree that it shall lie in the Judges Breast to remitt them as they please.

At a Council held at Philadelpia., yᵉ 14th of March, 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Griffith Owen, Caleb Pusey, Joseph Growdon, James Logan, Esq'rs.
Isaac Norris, Samll. Preston, Robert Assheton, Esq'rs.

Bill from the House for Recording of Deeds was read, and the amendments following were made.

a. Lett the Incumbrances be restrained to those made or suffered by the Granter, as is usual in such covenants.

b. The Rolls office is in Possession of an absent person who has for many years acquitted himself well in it, & enjoys it by the Propry's Patent; therefore the Govr. cannot think it proper for him to make that void; Besides, the Grant of that office has always been in the Propry. and Govr., and ought not now be alienated.

The fee was always a penny for each Line till the Change of money, and then it was reduced to $\frac{3}{4}$ as equivolent to y^{e} other. This Bill lessens the business by leaving it to every persons' freedom to record or not, & therefore the fee ought not to be also lessen'd.

A Bill Intituled an affirmacon. Act for such who cannot for Conscience sake take an Oath, was read, & being largely spoke to; It was Considered, that seeing the bills for Courts & the Laws of England require Oaths to be taken by all those who are free to it, wch Oaths must be administred by such as can take them themselves; and seeing those of Different perswasions from the people, called Quakers, have appeared so far dissatisfied with any affirmation without the Sacred Name in it, that they have generally refused to act in conjunction with Quakers when such an affirmation was not used; and may now, 'tis probable, be more averse to joyning with them upon their presuming to Re-enact what has so often been repealed by the Crown; therefore, it is much to be Doubted that this will not be sufficient for supporting the administration of Justice, & which the Govr. in the Discharge of his Duty is principally to Endeavour, and hereupon is obliged to refer it again to the House for their further Consideration.

POST MERIDIEM, Iidem qui antea, except S. Preston.

The return made by the House to the amendments sent them last week, was read, and answers ordered to them as in the papers of amendments.

A Bill Intituled an Act for Corroborating the Circular Line of Chester and New Castle, was read, and 'tis desired that the Patent for the Province, which is Expressly bounded on the Circular line, 12 miles distance from New Castle, on the Northern Western bounds thereof, should also be recited.

It is ordered that Joseph Growdon, Isaac Norris, Caleb Pusey, & James Logan, Carry to the House the Govrs. proposed amendments to the several bills, and that they speak particularly to the Bill of Courts, & have power to Confer with the House in all matters relating thereto, which amendments were as follows:

BILL FOR A SUPREAM COURT.

What the Govr. desires in all Bills proposed to him is, that they may be adapted as effectually as may be to the Ease and Benefitt of y^{e} people, & that a Regularity may be preserved in all the parts of the administration.

f. There is Nothing more desirable in administering Justice than yᵉ Dispatch of it. But, the adjourning of causes from one Court to another will Certainly occasion delay, & increase the Charges without any other visible effects besides these, unless persons skilled in the Law could be found & encouragement given them to sitt in the Provincial Courts.

If such could be had all business might the better be brought before them, but then it should be by the shortest method & the Process commenced there, till which time no more should be put upon such Judges as can be found than they may be free to undertake; but it is not probable that such as are generally in those Commissions, will take upon them to give Judgments in such matters of Law as other Courts have shifted of themselves; therefore, either every Court ought to proceed to Judgment in the Causes before them, or effectual provision be made, that persons skilled in the Law should be appointed & encouraged to Determine yᵉ more Difficult cases; as it is now proposed, the Justices of the Courts may easily be moved to refer all such matters of Law to yᵉ Supream, without any benefit to yᵉ parties but to their great Expence, both of money & time, which yᵉ House is again desired to Consider upon the notes & f. in the Bill for a Supream Court. The method also proposed for remanding actions to yᵉ Inferiour Courts that have been removed thence into the Supream, which is marked in the Bill (e); but in the first amendments was taken notice of under the Letter (f) requires further Consideracon., the House having taken no notice of it in their amendments.

c. Writts should issue out of yᵉ office, & not be drawn by attornies.

b. The Govr. is informed that writts are always issued out of some office; The only proper one for it here is the Prothonotaries, & therefore he can see no reason why the Practice should be altered; If that office in Philadia. be of some Profit, yet in the other counties, 'tis so mean, that with all the Encouragemt. that has been hitherto given, 'tis not always easy to find fitt persons to accept of it. If there be any thing in the office that wants amendment it may have it without introducing a new Practice, that is in itself irregular.

COMMON PLEAS.

Lett yᵉ words added, viz: (under yᵉ seal of the Respective Counties,) be brought in after the word Grant, at the end of the foregoing line.

PRACTICE.

It cannot be believed the House has Considered this objection, and are willing that no Creditr. in Chester or Bucks counties, shall be able to take out a Writt against a Debtor, who perhaps may be removing, till he has repaired to an Attorney residing (as 'tis Probable) in another County, & brings his Precipe with him; therefore they are Desired to Consider it again, for such methods will render yᵉ obtaining of Justice Impracticable.

FINES & FORFEITURES.

The Govr. is by no means satisfied that his objections are answered, & thinks he has very good reason to insist more particularly on the Latter.

CORRESPONDENCE WITH THE INDIANS.

The Intention of this Bill is to maintain a good correspondence with the natives, to prevent their being abused or imposed on, & to secure the Trade with them to the Inhabitants of the Province, which if effectually provided for, the Govr. Desires that Trade may be left as free & open as possible.

b. If the Security be given to the Propry. it must be by Bond, for which there should be one general form as usual. They should therefore be given at one office, wch may be done, & the Recommendation still arise from the County Court, if that be thought y^e most proper method; But the Penalty is too small.

e. If there be no alteration in this Clause the Design of this part of the act may be intirely eluded; But a more effectual amendment would be to add a Clause laying a sufficient penalty on y^e exportation of any skins or ffurs, (but what are first English Drest,) by any other way than shipping for the merchts. of another Govmt., may employ licensed Traders, & send others to carry off the goods either over Delaware or down Susquahannah.

f. The Clause Desired here was inserted in the former Bills on the heavy Complaint of the Indians, Requesting that no Traders might be allowed to meet them in the woods on their Return from hunting. till they arrived at their Towns, for that being then greedy of Liquor, they were often cheated of the fruits of all their Labour, & returned to their families naked & empty.

DEBTS UNDER 40s.

The Govr. desires the House would further consider whether the summoning the Deft. to appear at a certain time & place, before wch time the Deft. may have opportunity of making up with the Plt., hearing & Determining the Difference in the face of the sun; Entring the Cause of the Complt., & the Judgment on Record in a Book for that Purpose be not much more regular & preferable than haling a Debtor immediately before a Justice. who is to hear, Determine, Judge & Execute all in a Breath: Besides it Lyes in the Power of the officer to Carry the Deft. before what Justice he pleases, so that the plt. had perhaps better Loose his Debt than be put to so much trouble & Inconvenience in seeking it.

At a Council held at Philadelpia., the 18th of March, 1714-5.

PRESENT:

Y^{e} Honble. CHARLES GOOKIN, Esqr., Lieutt. Governour.

Griffith Owen,
Joseph Growdon,
James Logan,
Isaac Norris, Esq'rs.

Jonathn. Dickinson,
Samuel Preston,
Robert Assheton. Esq'rs.

The objections of y^{e} House of Representatives to y^{e} Council's amendments to y^{e} Bill for Recording Deeds were Considered, and 'tis Insisted on, that as the Propry. in his Charter to the People has granted them the choice of such Officers as could be thought fitt for them to have y^{e} Election of, so nothing further can be granted, & the choice of y^{e} Master of the Rolls & Recorders of Deeds must remain as it is, of which the House is to be informed at the Conference now to be appointed, & the rest of the objections may then be spoke to.

Bill for fines & forfeitures, allowed as amended.

Bill for coroborating the Circular Line of New Castle, allowed as amended.

Bill for Correspondence with the Indians, the objections to be spoke to at the Conference.

Bill for Determining Debts under 40s., referred to the Conference.

Bill for a Supream Court referred to a Conference.

Bill for a Court of Commmon Pleas, referred to a Conference.

Bill of Practice, referred to a Conferrence.

Robert Assheton was appointed to Go in a message to y^{e} House, to inform them that the Council would meet with them as soon as Conveniently may be, to Confer with them upon y^{e} several Bills now Ordered to be Referred to a Conference, who returned & reported that the Assembly would meet the Council at their House at four of y^{e} Clock this afternoon.

Upon the Peticon of Cornelius Conner, setting forth that he has for several years past made it his business & Employment to ferry people with their Horses & Cattle from Philadelphia to Glocester & the Jerseys; and has been at y^{e} Cost & Charge of making a good & sufficient fflat for the same, and that there being no ferry as yet settled, Whereby people are at a loss to pass & repass about their necessary affairs, Humbly craved that the Board would appoint him to keep the sd. fferry, & allow him to take and receive a reasonable satisfaction for his trouble & Expence in attending the same; Which the board having taken into Consideration thought fitt to appoint the said Cornelius Conner to keep the said ferry, and that he make his proposals to this Board what will be sufficient to satisfy him for his Trouble & Expence in attending the same.

The Council having this afternoon mett the House of Representatives in a Conference, at their usual place of meeting, spoke to the

Govrs. objections to the places noted in these six several bills, vizt:

For Erecting a Supream Court in Law in Equity.
Establishing ye Court of Common Pleas.
Continuing a good Correspondence with the Indians.
Acknowledging & Recording of Deeds.
Determining debts under forty Shillings.
Better ascertaining ye Practice of Courts.

And the Reasonableness of the objections being Explained and pressed, the Bills were left with the House for their further consideracon.

At a Council held at Philadelpia., the 19th of March, 1714-5.

PRESENT:

Ye Honble. CHARLES GOOKIN, Esqr., Lieut. Governour.

Joseph Growdon, James Logan, Isaac Norris, Esq'rs.
Jonathn. Dickenson, Robert Assheton. Esq'rs.

The Bill for laying a Duty on Wine, Rum, brandy, & Strong Liquors & Hopps, Negroes & Indian Slaves, Imported in this Province, was read.

The Council Reported that they mett the Assembly at their House, & Conferred with them upon the last amendments to the six several Bills mentioned in the Close of the last preceding minute of Council, & that having pressed the unreasonableness of the proposed amendments, they had left them with the House for their further Consideration.

The bill of fees is Committed to the Council, who are to Consider it, & joyn with the House or a Committee, & go thro' the several Parts of it, to consult the several officers thereupon, as they see occasion.

The bill for assigning of Bonds, Specialties & Promissary notes being Considered, It is ordered to be amended.

At a Council held at Philadia., the 23d of March, 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esq'r., Lieut. Governour.

Griffith Owen, Joseph Growdon, James Logan, Esq'rs.
Isaac Norris, Robert Assheton. Esq'rs.

The Govr. acquainted the board that after they had rose on the 19th Instant, Richard Hill & another member had returned to him the 6 Bills left with their House at the Conference the Evening before: and that the House had agreed to several of the amendments proposed, and to some not; That he had proposed to them another Conference wth them, to be held the same afternoon, upon y^e bill of fees & y^e Impost bill, to wch they agreed; but the Council not attending, he was obliged to manage it as well as he could himself, & had immediately after Committed the substance of what he said to writing, which was read in these words.

GENT:

Most of the bills returned you from the Council board being well digested there, I shall only observe to you that some of ym., Especially that for Enabling Religious Societies to purchase Estates, being word for word, the same with that which is Disapproved. I know not how I shall excuse my passing it again.

The Bills for the Manner of Issuing out Writts is a Novelty no where Practiced in his Majesties Dominions, & will not only Create Confusion in the Courts, but be a greater Expence to the people, to which I must add that it is inconsistent with the Trust reposed in me by my Principal, to mangle an Office he has been pleased to Patent

The impost Bill is of that Nature that the Council are more cautious in Giving their advice about it, so that being wholly left to my Self, I hope my objections will meet a friendly interpretacon.

That there is an arrear Due for my support for some time past, as well as a provision necessary for the time to come, I suppose Will readily be acknowledged; Which I mencon not as faulting the allowance made by the Bill, Could it be Certain, & received in a reasonable time; But the method now proposed Will not, in my opinion, Raise any thing, for I am informed several merchants in this city Design to transmit home as soon as possible a Copy of it, and to Back it with a Good sum of money in order to get it repealed; Which they say may be obtained in seven or eight months, for that most if not all the Laws Laying a Burthen on Trade hitherto sent home, have been Disapproved; in the mean time they resolve to Refuse paying the Impost, and if their Effects are seized, will Replevin & stand Tryal, and before Judgment Can't be obtained the act may appear here repealed.

To this is added that if Trade is in this manner, and at this time Burthened, it may be more so the next Year; and at Last the merchants way be required to pay the Assembly men's Wages, to prevent which they resolve to spare no cost.

Now admitt the merchants Complyed with the Act, the arrival of vessels is so uncertain that little is to be Depended on that way, and I cannot propose to see one half of the first payment before the winter setts in, then no Assembly is to be Expected till the spring, by y^t time or sooner I may be removed by Death or otherwise; and tho' the money is made payable to my assigns, there is no sufficient Grounds for an accon. against the Provincial Treasurer in Case he refuse to pay it.

GENT:

I cannot suppose you intend to Disappoint me, therefore lett all uncertainties be removed, and I shall, as near as is proper, answer your Expectacons.

Griffith Owen & Isaac Norris were appointed to carry to yᵉ Assembly the Govrs. objections.

Who returning, reported that the House was risen.

Eodemdie, P. M. Two members called on the Govr., requested that he would be pleased to send yᵉ House the several Bills lying before him; accordingly he sent those five, vizt: for a Supream Court, for a Court of Common Pleas, for yᵉ better ascertaining yᵉ Practice of Courts, for Determining of Debts under 40s., and for laying an Impost.

He also delv'd. to ym. his objections read at yᵉ Board in the morning, wch Griff. Owen & Is. Norris had been appointed to Carry, but could not then Deliver ym., yᵉ House being risen.

At a Council held at Philadelpia, the 24th of March, 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Joseph Growdon, James Logan, Isaac Norris,	Esq'rs.	Samuel Preston, Robert Assheton.	Esq'rs.

Richd. Hill, Jos. Kirkbride, & Nathanll. Newlin, in a message from the House, brought the House's answer to yᵉ Govrs. objections communicated to them yesterday; also the bill for enabling Religious Societies to purchase Estates.

Nich. Waln & Nich. Pyle, in a message to the Govr. from yᵉ House, desire to know whether the Govr. had gone thro' the bill of fees, & pray if he has that it may be sent to them, or if there occur any Difficulties in it, the House will be ready to hold a Conference upon them. They were told in ansr. that the Board had the Bill in hand, & would make all reasonable dispatch in it.

POST MERIDIEM, the 24th of March, 1714-5.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Governour.

Griff. Owen, Jos. Growdon, James Logan,	Esq'rs.	Isaac Norris, Samll. Preston, Robert Assheton.	Esq'rs.

Griffith Owen & Joseph Growdon were sent on a Message to the House, to inform them from the Govr. that notwithstanding all the

Security of the money appointed to be paid him in the Impost Bill, it would not answer the end proposed, for that he thought it would raise little or no money; the reason why he Gave in his Last objections to them, and that the method they proposed to pay in Specie would be very troublesome, & Chargeable, & Desired them to Consider of it.

The above members being returned, informed the Govr. that the ways & means of raising the money to be paid to him by the Impost act, the House are Endeavouring to make secure, and that it shall be payable to him, his heirs, Executors, Administrators & Assigns; as also, that the late Treasurer Dec'd., had some money in his hands as appears by the accts. made up with his Executors to be about the sum of £250, which money, after the immediate services of the House being paid, which would be about the sum of £50, the Remainder should be paid to the Govr.

The Bill for Establishing fees was some part of it read, & the following amendmts. made, vizt.:

JUDGES.

The allowance of ten pounds to the Judges out of the offenders Effects to be left out, & be paid wholly by the Province.

SECRETARY.

Minutes of Council are very troublesome & orders on Petcons. Generally Long.

REGISTER.

The fee formerly to the Secry. was 12s, because they are drawn by him, & the Collectors 6 s., they were made in the Secry's absence, 4 s. to him & 8 s. to the Collrs.; 'tis now proposed that each shall be equal, vizt.: 6 s. Justices, Coroners, Sherifs & Clerks Commissions ought not to be less than the fee for the great Seal affixed to them; the fees should be several, vizt.: Coroners 6 s., Sherifs of Philadia. 10 s., Bucks, &c., 6 s., & so the Clerks.

PROPRIETORS SECRY.

Minute Warrt. & Record,	4s. 6
Patent,	10s.
Recital,	1s.

The officer concerned was absent when the last bill was past, & there was none to represent him.

JUSTICES FEES.

The Govr. insists on it that all original Process shall issue out of the office; and therefore, till this is settled the fees cannot be so, there is no service in the Justices signing the original Writts, but may occasion Danger, Loss, with other Inconveniencies; in the rest lett the fees be as in the last act.

ATTORNEY GENERAL.

Drawing Judgments is the business of the Clerk of the Peace, & therefore to be left out here.

SHERIFS.

Leave out & three pence, &c. above £100.

PROTHONOTARY OF THE SUPREAM COURT.

The several parts of business carried by the bill from y^e Clerk to y^e attorneys should be restored, only altering the fees, Leave out in all the Clerks fees, (if drawn by the Clerk.)

PROTHONOTARY OF THE COMMON PLEAS.

Add the fees in this as in the former.

ffive members from the House, vizt.: Richd. Hill, Nich. Waln, Nich. Pyle, Clet. Plumstead & Thos. Stevenson, in a message, waited on the Govr. to inform him that the House is now about reading the Impost Bill the 3d time, and that they proposed the Duty on Wine & Rum shall be immediately paid in the specie upon Landing.

To which the Govr. answered, they should hear from him by a message from this board.

At a Council held at Philadia., the 25th of March, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governr.

Griffith Owen, Joseph Growdon, James Logan,	Esq'rs.	Isaac Norris, Samll. Preston, Robert Assheton.	Esq'rs.

Two members, in a message from the House, desire the Govr. would be pleased to favour the House with such parts of the bill of fees as the board has fully Considered, & that they would Dispatch the other parts that the whole may be Concluded, & divers parts of the Bill were accordingly Delivered to them.

To the Bill for Establishing fees several amendments were made.

The Impost Bill was read, & Joseph Growdon, James Logan, Isaac Norris & Samll. Preston, were appointed to go on a message to the Assembly, & informed them that he was not satisfied with the method proposed in the raising the money for him in that Bill, and y^t it would never answer the end intended by it, & Desired they would be more effectual & Certain, and they being returned told the Govr. the Assembly was risen. Therefore, it is Ordered that same thing be drawn in writing to present to the House this afternoon, wch was accordingly done in these words: The Bill of fees, &ct.

The Bill of fees is returned whole to the House, with the Govrs. amendments, by the assistance of the Council, & He desires the House to take it altogether, with his several objections, as well to the manner of Issuing of Writts as y^e fees themselves, into their further consideracon.

The Govr. is sorry he must finally tell the House, that the Bill of Impost is so far from being satisfactory that he Conceives he cannot be secure by any Grant of that kind, for he Cannot believe it probable that the act will be in force long enough to raise even the first Paymt. ; And should it come repealed in any short time, those who shall then have pd. their money, by virtue of an act Declared void, cannot be expected to sitt quiet under the Loss, without suing the officers, who will then have no Law to plead in their Defence, and what Confusion might arise from hence the House may Consider.

But further, the House contrary to their own message of yesterday, have Joyned the Impost on negroes, (wch. in it self would rather prove a prohibition than a Fund,) with the rest in the same act, wch were no other methods used, would hasten its Repeal in Great Brittain. 'Tis further proposed by the Bill that if this fund fail, the Payment shall be made Good out of the next money to be raised by any other act; but the House is Desired to Consider that it is the Repeal of the act that is apprehended, & when repealed it cannot bind any man, much Less the Assembly, in any other subsequent act for raising of money, which they will Certainly dispose of as they shall see Cause. But what weight former acts have upon ensuing Assemblies, the present House may observe in their own understaking by this Bill to dispose of money raised by a former act, (y^{e} last that was ever past, & which has not that we know of been repealed,) in a manner directly Contrary to y^{e} Express words of that act; But that y^{e} Govr. may spend neither his own time, nor the Assembly theirs in vain, Lett the House take a proper & secure method to raise money, & the Govr. will be ready to Discharge his part, otherwise he Cannot think he is Justifiable unto himself to proceed any further.

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POST MERIDIEM, Present, iidem qui antea.

The foregoing Draught being read and approved, it was ordered to be Copied & sent to y^{e} House. A message by 2 members, Desired to know if the bill of fees were ready for the House, & it was Delivered to ym. Compleat with y^{e} objections, also the Govrs. Preceeding Papers of objections to the Impost Bill, was sent by the same hand.

Richd. Hill, John Swift & Nich. Pyle, in a message from the House, returned the Impost bill, with the words (not otherwise appropriated,) struck out of it; as also the bill of fees as amended by the House; but the Govr. positively told them He could never agreed to the Impost act as now drawn, for that the was satisfied Nothing like the sum proposed Could ever be raised by it.

At a Council held at Philadelpia., the 26th of March, 1715, P. M.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Joseph Growdon, James Logan,	Esq'rs.	Samll. Preston, Robt. Assheton.	Esq'rs.

The Govr. acquainted the board that he had this morning received a message from the House by Clemt. Plumstead, & two other members, acquainting him that the House of Representatives are very much concerned they cannot satisfy him in the Impost act, that they want no Inclinacons. to oblige him, & in Order to it, had come to some resolves, the substance of which they repeated to him; but he answered them yᵉ house must deliver them to him in writing, which they had done accordingly, and they were read in these words:

A motion being made and the Question be put, That the Inhabitants of this Province in General pay but one half of the Impost Duty on Wine, Rum, &c., During the whole term. That all Wine, Rum, &c., belonging to non Residents, pay the full duty; That the Impost Bill be dissected, & the Duty on Negroes be in a Bill by itself, as before Resolved by this House, and that the said Duties be Continued for three years.

Resolved in the affirmative.

Two members, Toby Leech & Thos. Stevenson, in a message from the House, desire to know the Govrs. Result upon the message from the House to him by three of their members in the morning, for that the Day & week, or both, nearly at an End, & the House Concludes, if they cannot succeed better in their Endeavours, to loose no more time from their families & business at home.

The Govr. answered that they might use their freedom, but he could never accept a name only instead of yᵉ substance, and that therefore he was not at all satisfied wth what they had proposed; but he had still hopes the House would further Consider of it, that Justice might be done him, & then adjourned.

At a Council held at Philadia., yᵉ 16th of April., 1715.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Lieut. Governour.

Griffith Owen, Joseph Growdon, James Logan,	Esq'rs.	Isaac Norris, Samll. Preston, Robert Assheton.	Esq'rs.

The Govr. complained to the board that the Assembly of this Province having Divers Bills and matters of the greatest importance before them, most of which he thought were in a very likely way to be dispatched, had without his consent taken upon themselves to the end or near it, of their yearly session, Whereby he conceived himself laid under a necessity of Calling them together again, but Judged it Necessary to take the advice of the Board in it, and it was the opinion of the board that the 2d of May would (viz: next Monday come week) be a proper time, and the Secry. is ordered to make out writts of summons accordingly, which were drawn in these terms.

Charles Gookin, Esqr., Ltt. Govr. of the Province of Pennsylvia.

To the Sherif of the County of Chester.

Whereas, the Assembly of this Province, having in the month of March last Divers matters of the Greatest weight & Importance before them, Which required to be Dispatcht for the Publick Good & safety of all his Majesties subjects in this Govrmt., they, y^e^ said Assembly, notwithstanding, tho't fitt without my Consent or approbation to adjourn themselves to the latter end of their yearly session; by which means y^e^ Expectations of all good people, who depended on a suitable Provision to be then forthwith made to answer the several Exigencies of the Govermt. became intirely Disappointed, the Great inconveniencies of wch must still continue unremedied, untill another Assembly be Chosen, Unless they are called together before the Time of their said adjournment. These therefore are by and with the advice of y^e^ Council, to require & command you that you forthwth summon all the Representatives Chosen in your County for y^e^ sd. Assembly, that they meet me at Philadia. the second Day of May next, to proceed to the Dispatch of the sd. affairs, & such other matter as I may have occasion to lay before ym., and without delay make return of this writt into the Secry's office.

Given under my hand & lesser seal of this Province at Philadia. the sixteenth day of April., Anno Dom., 1715.

CHARLES GOOKIN.

At a Council held at Philadelpia., the 3d of May, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Joseph Growdon, James Logan, Isaac Norris, Esq'rs. Jonathn. Dickinson, Robert Assheton. Esq'rs.

The Govr. acquainted the board, that Richard Hill & Joseph Kirkbride, Two members of Assembly, Came on a message from y^e^ House to know if he had any thing to lay before them. He told them that he had ordered a Council to be summoned to meet him who were not yet come, and that he was afraid it would be difficult to get a Council together this morning; that he must refer himself to his speech made to the House at their first meeting the beginning of the year; and what he had further to say was contained in the paper he then deliver'd to y^e said members to communicate to the House, and it is as follows:

Gentlemen:

Altho' your affairs would not allow you time, when last together, to Dispatch the Important Business then before you, Yet how consistent your breaking up & adjournmt. to y^e end of the Year was to your Trust & Duty, you have by this time I suppose had occasion to Consider.

As by that adjournment, it followed that either the Great Exigencies of y^e Govmt. must remain unprovided for till another election, or that I must call you again by a Writt. I found it necessary, in Discharge of the trust Reposed in me, to give you this opportunity of Retreiving what before you had otherwise put out of your power.

The administration of Justice is by all men acknowledged the life of Govmt., wch has to our Reproach, as well as great Insecurity to his Majesty's subjects here, lain for a long time Dead, and a Provision for my support, wch you are sensible is justly Due to me, both Call for a Dispatch, wch now you are more at leisure, I hope will be given them without Delay.

The Bill prepared for the first of these may be Easily Accommoted, if you will prefer good order & Regularity in your proceedings to novelty & untryed Experiments, and how unfitt the methods proposed for the Latter would be found, you Cannot, on further Reflection but be sensible; nor is it Improper to Consider how just they would have proved had they been practicable, since I find it a General Complaint of the merchants, that the Liquor from wch most of the Tax must have Risen will not now, after their voyages are made Return the first Cost to the adventurers. I hope, therefore, you will of yourselves be Convinced of the Necessity there is to take more equal measures.

Gent: I have since my arrival here mett with Assemblys of very Different Tempers, wth. some of which I have not been able to effect any business, such has been y^e unhappiness of this province in those years, but as you have Exprest a hearty Zeal for the good of the Publick, not without some Respect to my affairs, so I shall Depend on your Care & Resolution to Dispatch what relates to both, In which I must earnestly Recommend what Temper & unanimity which will alwayes best forward Business, and shall only put you in mind, That the best Test of a Peoples Principles is their publick actions when not accountable by any Law, but y^t of their Consciencies & honour.

At a Council held at Philadelpia., the 4th of May, 1715.

PRESENT:

The Honble **CHARLES GOOKIN**, Esqr., Lieutt. Governour.

Griffith Owen, Joseph Growdon,	Esq'rs.	James Logan, Robert Assheton.	Esq'rs.

The Govr. laid before the board a message he had received from the House, which was ordered to be read, and is as follows:

This House having taken the Govrs. message this Day into Consideration, Do find it necessary, before we enter into a more particular answer, to signify that we are ready to proceed upon yᵉ Bills, prepared & laid before the Govr. for his Concurrence, And make the same Provision for him as was then proposed; For the Circumstances of the Country will at present Admitt of no other.

3d of 3d mo., 1715. By ordr. of the House,
DAV'D. LLOYD, Speaker.

In answer to which yᵉ following was drawn up, and ordered, when transcribed, to be Carried to the House by Joseph Growdon & Doctr. Owen in the afternoon.

The Govr. is ready to proceed with the Assembly to finish the business Depending, but Can't be perswaded but that it is as much a part of the Assembly's business to provide for a support for the Govr. as for any other Exigence of the Country; the methods hitherto proposed will by no means answer the end, & therefore the Govr. Desires the House to think of some other that may prove both more effectual & more equal, otherwise he will have reason to think that while care is taken of all other, the wants of the Countrey; it is not intended there should be any regard had of him or his support in the administration, wch when the Assembly considers, 'tis hoped they cannot expect his Concurrence in other matters, upon terms so hard to himself. Both the Govr. and Countrey are great sufferers at present, for want of necessary Bills to be passed into Laws, & it Lyes wholly in the breast of the Assembly to make both Easy.

May yᵉ 6th, 1715.

The Govr. received by 2 members, in a message from the House, yᵉ following Address:

May it please the Govr.,

This House being fully satisfied that their faithful Endeavours have not been wanting to promote the Publick Good of this Province as much as in them lies, according to the trust reposed in them, As may appear by those necessary bills which they presented to the Govr. before their last adjournment, tho' at a juncture when their own private affairs suffered by their absence; therefore conceive that no just cause has been given for the imputations, wch seem to be cast upon us by thy summons, & two written messages of the 3d & 4th Inst.; and as to our adjournment to the latter part of the year without thy approbation, and thereby putting it out of our power to do any thing further. It was then Considered and Can't be denied but that we had done what we could in preparing matters for thy Concurrences with this House, wch we are well assured would have proved effectual, both to answer the Exigencies of this Province & support the administration of Govmt., if thou hadst thought fitt to have given thy sanction thereto. But contrary to the Expectation of this House, thou wast pleased to Deny Passing of any one bill then made ready, unless some particular members of this House would actually become engaged for the payment of a certain sum in lieu of what was proposed to be raised for thy support. This gave the Assembly too much ground to suspect there might be some new attempt by persons disaffected to our proceedings to frustrate y^e^ same, as 'tis suggested was the fate of the last Assembly, by an Expectacon given the Govr. of otherwise supplying him with a sum of money on those conditions; which practices where ever introduced, as they are inconsistent with an English Constitution, so they must needs tend to nothing but confusion & disorder; therefore we thought it better to adjourn, & retire to our own private business, & leave the Govr. to ponder things in his own mind, or further Consult his Council, or other friends to this Govrmt., as he might see occasion. Not forgetting that it was in his power to call us again, whenever he should find himself Disposed to act in Conjunction with us, & pass the said bills into Laws, or such of them on which the security & Protection of y^e^ People of this Province so much depends.

And now may it please the Govr., being again mett, we do wth. hearty Desires Earnestly intreat thee to take these things into Consideration, & properly to use thy power in rendering to the people their Just right, vizt.: the administration of justice & the benefit of the laws wch is the true end of Govmt., & such an inherent right in the subjects of Great Brittain as could reasonably be expected, should now be purchased under the proprietor from whom, wth. the sweat of y^e^ brow, a wilderness has been cultivated to a fruitful field & a handsome Colony added to y^e^ Crown; & altho' this House has not been unmindful of the Ltt. Govr., but have as a Token of their Gratitude made a suitable provision for his support in the administration of Govmt., yet we crave leave once more to acquaint the Govr., we ask no new privilege of Power or Property to ourselves or those we represent; and therefore, as his Grand Council and hearty well wishers give it as our opinion, that he ought to invest the people of this Province, over whom the Propry., by Commission, honoured with the Royal approbation, hath given him charge with their just rights, in wch this House is ready to perform their part, & not to imbarass or delay the same so much to the injury of the Kings subjects here, in rendering them thereby more unhappy than in any other of his Majesty's Dominions.

We think the methods proposed to raise the supply are Equal, and we hope the Govr. was of that opinion, when he proposed the above mentioned security; And tho' the time is much Lapsed, we Conclude that the sum proposed may yet be raised by the Impost act; But if it should not, we shall give the Govr. all the assurances that the assembly can properly give, to make good the deficiency.

And the next day, vizt.: y^e 7th of May, 1715, by 2 members sent to the Govr. in a message from the House, He sent the following answer.

Gentlemen:

The Council are unwilling to assist me in answering your late message, & gave me a good reasons for it; being now alone, I shall not take it to pieces, but only take notice to you, That what you mention about my requiring security for y^e money you Promised was spoken Jocularly, and so I told the messengers, & forbid them to Deliver it as a message; yet, you answer it as one, which I can't but say, looks with a very unkind air, & your mentioning a story of money offered me the last year is of the same nature; for 'tis very well known 'Twas proposed only by one person, & I with scorn Rejected it.

But to Come to the matter I am very willing to agree with you in most of the Bills proposed for my assent; But that of the Impost seems to me to be so unequally laid, that I cannot Clear my Conscience of Partiality should I pass it, as now Drawn up; Besides, should the merchants make no opposition to it, 'twill come very far short of the end you propose. Therefore, I earnestly Desire you will take it into your further consideration.

Four members of Assembly, in a message from the House brought the Govr. the following resolve, and craved his answer to the same, vizt.

Resolved, That if the Govr. (according to the expectations frequently given) will Pass the Bills laid before him, this House will raise a Land Tax, & Increase the duty upon Wine, & Continue it upon Negroes, Hopps, Cyder & Rum brought in, not from the place of Growth; as also upon Rum imported or Consigned by non Residents.

In answer to which the Govr. ordered them to inform the House he would pass all the bills together, when the Bill for a support was ready.

Upon wch the House, with y^e Govrs. approbation, adjourned for 2 weeks, to y^e 23d Instant.

At a Council held at Philadelpia., the 26th of May, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Governour.

Joseph Growdon, Griffith Owen, James Logan,	Esq'rs.	Samll. Preston, Jonathn. Dickinson, Robert Assheton.	Esq'rs.

The Govr. acquainted y^e Board, that y^e House of Representatives having failed of making a House on y^e 23d Inst., to wch day they had adjd., they had applied to him y^e Day following, to acquaint him with it; whereupon, he had by his summons to meet him made them a house, & that he had yesterday & to day reced. three bills from them, under these Titles, vizt.: An act for Lying a Duty on Wine, Rum, brandy, Cyder & Hopps, imported into this Province; An act for Raising a supply of 1d. per pound & 4s. per head; An act for Laying a Duty upon Negroes imported into this Province, which were read & Considered, & divers small amendmts. being proposed. J. Growdon & S. Preston were ordered to Carry the same to y^e Assembly, together with y^e said amendmts. & the House agreed to them, returned them to the Govr. by Clemt. Plumsted & Nath. Newlin.

At a Council held at Philadelpia., the 27th of May, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Govr.

Joseph Growdon, Griffith Owen, James Logan, Isaac Norris,	Esq'rs.	Samuel Preston, Jonathn. Dickinson, Robert Assheton.	Esq'rs.

The Govr. acquainted the Board, that he had reced. a message from the House, Desiring he would appoint some members of this Board to Joyn a Committee of the House, to Examine y^e engrossed Copies of the Laws that were agreed to be passed; & that the House having Desired the supply bill might be returned to them, that they might add a Clause to it in favour of the widow Carpenter, grounded upon her late Peticon. to the House, had sent it up again to y^e Board, & the said Clause for enabling the said widow as Executor to her Dec'd. Husband, to receive the arrears of the £2000 Tax, being read, & approved, was sent again to y^e House by the Secry. and Jonathn. Dickinson, who had it further in Charge, to propose some further amendments to Certain other Bills, vizt.: that instead of four Provincial Judges, as it stands now in the Bill for erecting a Supreme Court, y^e number should be reduced to three only. That the precipe Directed in the Bill for Practice be dropt, & that writts should be issued as formerly out of the office & not signed by a magistrate; & the Secry., Jonathn. Dickinson & Robert Assheton are appointed a Committee from this board, to meet another from the House, to Examine the Engrossed Bills to be past in the morning.

At a Council held at Philadelpia., the 28th of May, 1715.

PRESENT :

Ye Honble CHARLES GOOKIN, Esqr., Ltt. Governr.

Joseph Growdon, Griffith Owen, James Logan, Esq'rs.
Jonathn. Dickenson, Samuel Preston, Robert Assheton. Esq'rs.

The Assemly waited on the Govr. with the Engrossed Bills in Order, to be passed into Laws, vizt : 1. A Bill of Priviledge to a freeman. 2. A Bill Directing appeals to great Brittain. 3. A Bill for Establishing ye General Qr. Sessions of ye Peace. 4. A Bill impowering Religious Societies to buy, hold & Enjoy Lands, Tenements & hereditaments. 5. A Bill directing an affirmation to those who for Conscience sake Can't take an oath. 6. A Bill for Corroborating a Circular Line between the Counties of Chester & New Castle. 7. A Bill for the better recovery of fines & forfeitures due to the Govr. & Govrmt. of this Province. 8. A Bill for the Assigning of Bonds, Specialties & promissory Notes. 9. A Bill for Acknowledging & Recording of Deeds. 10. A Bill for the Ease of such as Conscientiously scruple to take the solemn affirmation formerly allowed in Great Brittain. 11. A Bill for Continuing a friendly Correspondence with the Indians. 12. A Bill for better Determining Debts under 40s., and for laying aside the 2 Weeks Court. 13. A Bill for erecting a Supream Court in Law & Equity. 14. A Bill for Establishing Courts of Common Pleas. 15. A Bill for the Better ascertaining the Practice of Courts of Judicature in this Province. 16. A Bill for raising a supply of 2d per £ & 4sh. per head on the Inhabitants & freemen of the Province of Pennsylvia. 17. A Bill for Establishing & Regulating fees. 18. An Impost Bill for laying a Duty on Wine, Rum, brandy & other strong Liquors, & Hopps Imported into this Province. 19. A Bill for Laying a Duty on negroes imported into this Province. Which said Bills ye Govr. Past into Laws, & were ordered to be Published about two of ye Clock in the afternoon.

At a Council held at Philadelpia., the 30th May, 1715.

PRESENT :

The Honble CHARLES GOOKIN. Esqr., Lieut. Govr.

Joseph Growdon, Richd. Hill, James Logan, Isaac Norris, Esq'rs.
Samll. Preston, Jonathn. Dickinson, Robert Assheton. Esq'rs.

The board having taken into Consideration ye Issuing of Commissions & Nominating Justices for ye Counties of Bucks & Chester, in this Province, & ye Supreme Court, ye persons following were appointed, viz:

For ye County of Chester.

Caleb Pusey,
Nicholas Pyle,
Richard Webb,
Henry Pearse,
Henry Neale,
Nicholas ffairlamb,
John Blunston, Junr.
Richard Hayes.

For the County of Bucks.

Jeremiah Langhorn,
Joseph Kirkbride,
Thos. Stevenson,
Thos. Watson,
Willoughby Warder,
Everald Boulton,
Anthony Burton,
Thos. Watson of Buckinghan,
Jno. Snowden.

Supream Court, Philadia.

Joseph Growdon,
Willm. Trent,
Richd. Hill,
Jonathn. Dickinson,
George Roche.

At a Council held at Philadelpia., the 1st of June, 1715.

PRESENT:

The Honble. CHARLES GOOKIN, Esqr., Lieut. Governour.

Joseph Growdon,
Richard Hill,
James Logan, } Esq'rs.

Samll. Preston,
Jonathn. Dickinson,
Robert Assheton. } Esq'rs.

Mr. Logan Exhibited an acct. of several things he bought for the Conestogoe Indians, by order of Council, the 1st of October last, the ball. of wch amounting to £15, 3, 9, wch acct. is allowed, & the Treasurer is ordered to pay the same.

It having been observed that for want of a Due attendance of the Council at the time formerly appointed & according to Custom, without particular summons, the Governr. has lain under some Inconveniencies in being destitute of such advice in affairs of Governmt., as might have rendered the administration of it more easy; It is therefore now ord'd. That the Council shall meet weekly every Tuesday morning, at ten of the Clock, at the Council Chamber, without any summons, & whether the Govr. should be in Town or absent, to advise Concerning such matters as may be for the Publick Peace & Safety, & to take Cognizance of the various exigencies of Govmt.

At a Council held at Philadelpia., the 4th of June, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Richard Hill,
James Logan,
Isaac Norris, } Esq'rs.

Jonathn. Dickinson,
Robert Assheton. } Esq'rs.

The Govr. proceeded to appoint Justices for the several Courts within the County of Philadelphia, as also for the Supream Court for the said Province, & the persons following were appointed.

ffor yᵉ Common Pleas, Qr. Sessions & Court of Equity.

Richard Hill,
Isaac Norris,
James Logan,
Nathan Stanbury,
Edward ffarmer,
Rowland Ellis,
Benjn. Vinning,
Josiah Rolfe,
John Swift,
Samll. Carpenter,
Jos. ffisher,
Robt. Jones, & the Mayor & Recorder of the City Philadia.

SUPREAM COURT.

Joseph Growdon,
William Trent,
Jonathn. Dickinson,
George Roche.

At a Council held at Philadelphia., the 10th of June, 1715.

PRESENT :

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Joseph Growdon, Caleb Pusey, James Logan, Esq'rs.
Isaac Norris, Jonathn. Dickinson, Robert Assheton. Esq'rs.

The Govr. laid before the board an address he received from the House the last night, wch was read in the words.

To Charles Gookin, Esqr., Ltt. Govr. of yᵉ Province of Pennsylvania.

May it please the Govr. :

We were in hopes that the opening of the Courts of Justice might have been a means to put a stop to those tumults, which frequently happened in this City since the beginning of our sessions, so that our meeting now would have been to Crown our Labours with a Genll. satisfaction.

But to our great Disappointment, We understand, by Credible Information, that some of those who occasioned these Tumults, in order to annoy their opposite party, are now Levelling their Malignity against the magistrates of this City and County, & Endeavouring to prevail with the Govr. to be of opinion, That there is no power to bring to Tryal a Certain Clergyman, who is Charged by Indictment at yᵉ King's suit, for committing Fornication against the Kings Peace & yᵉ Law of this Province, &c.

We desire the Govr. to Consider, that ffornication & such like offences, which in other places may be of Ecclesiastical Conusance, are by the Laws of this Province made Tryable in the Quarter sessions ; And as our Laws are by the Royal Charter to be inviolably observed, so the Govr. & Magistrates are bound in duty to cause the same to be put in execution ; Therefore we are of opinion, That whosoever doth or shall assert or Endeavour to incense or perswade the Governor or any other, that the Court of Qr. Sessions as by Law Established hath no Cognizance of yᵉ said offences, are & shall be deemed Enemies to the Govr. & Govmt. of this Province.

And now may it please the Govr. to take speedy care, by such ways & means as may be effectual to Discourage & Suppress the said Tumults, & Disperse all Tumultuous gatherings of People in the City, & more especially those who shall Endeavour to weaken the hands of the Magistrates in the Discharge of their Duty, or shall speak or act in Derogation to their authority, Or shall in any wise attempt to screen or Risque the said malefactor from the course of Justice.

As we have been & hope shall be Willing to support the Govrmt., so we are earnestly Concerned that yᵉ Kings subjects may be protected under thy administration, and for that end we do insist That thou will be pleased to Cause the Laws to be Duly put in Execution, and to Countenance & not Discourage the magistrates & officers in the Discharge of their Duties, That so the People may be reduced to their former Obedience, and applications for Redress elsewhere be prevented.

We also desire that persons be Commissionated & Courts Called for speedy Tryal of those Criminal Causes now Depending.

Signed by order,

DAVID LLOYD, Speaker.

And Isaac Norris & James Logan were appointed to carry to the House the Govrs. answer to the same.

The Govrs. answer to yᵉ Assembly's Address of the 10th of June, 1715.

GENT. :

The Tumults that have hitherto appeared I have immediately Endeavoured to quell, and I hope with good effect. The Courts are now opened, the administration of Justice is restored, and if any should appear so audacious as to oppose the magistrates, they shall not want my countenance and assistance to suppress the attempt.

I am sorry it should be surmised to yᵉ Assembly by any, that those who show a malignity to yᵉ magistracy, could have ground of hopes to prevail with me to favour them; On the contrary, they shall find (if there shall be any such) that I shall exert all the authority with which I am invested to support the Proprietors Powers of Govrmt. and the magistrates, in the execution of the Laws & full discharge of their Duty.

The commissions that are not yet Issued will be forthwith expedited.

At a Council held at Philadelpia., the 14th of June, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Joseph Growdon,	Esq'rs.	Richard Hill,	Esq'rs.
Griffith Owen,		Isaac Norris,	
James Logan,		Robert Assheton.	

The Chiefs of Delaware & Schuylkill Indians coming down to visit the Govr., they mett in y^e Court house at Philadia., Sassoonan being their head, & Opessah, y^e late Shawanois king wth. his companion attending him, & then opening y^e Calamet with great Ceremony of their Rattles & songs, it was offered by Sassoonan the king to the Govr., Council, & all others of y^e English there mett, and afterwards was also offered by him to all his Indians, & then with y^e same ceremony was put up again.

Then Sassoonan rose & spoke to the Govr. & said, that the Calamett, the bond of peace, which they had carried to all the nations round they had now brought hither; that it was a sure bond & seal of peace amongst them & between them & us, & Desired by holding up their hands, that the God of Heaven might be Witness to it, and that there might be a firm peace between them and us forever.

To which the Govr. answered, that he was very Glad to see them retain so strong a sense of that firm Peace, that was settled between Willm. Penn, the founder & Chief Govr. of this Countrey, at his first Coming into it, in behalf of himself, and all his People with them & all theirs; that they were sensible we had always preserved it unviolated on our side, & were glad we had reason to say they had done the same on theirs. That we desired nothing more than that the great God, who made heaven & Earth & all living Creatures, and who knew the thoughts & saw all the actions of man to whom they applied, should be a Witness of what now passed between us, and that this Renewal of the same Bond of peace might be recorded between them & us forever; with wch speech they Expressed themselves greatly satisfied.

Sasoonan added, that hearing of some murmurs among some of themselves to prevent any misunderstanding, they now Came to renew the former bond of friendship That William Penn had, at his first coming, made a clear & open Road all the way to the Indians, (by this meaning a friendly communication) that they desired the same might be kept open, and that all obstructions should be removed, of wch on their sides they will take care.

He then presented a belt of Wampum & added to the same effect, That they desired the Peace that had been made should be so firm, that they & we should Joyn hand in hand so firmly that nothing, even y^e greatest tree, should be able to divide them a sunder.

After which they seeming to wait for an answer, They were desired to proceed and Deliver what they had now further to say: and that answers & returns for binding the friendship on our side should be made to them altogether.

Sasoonan accordingly proceeded & said, that their late King Skalitchi, Desired of them that they would take care to keep a perfect peace with yͤ English, & that they should be Joyn'd as one, that the Indians should be half English & the English make themselves as half Indians, that they might the better be as yͤ same.

The further added, laying down a 2d belt, that as the fathers have been in peace, so they desired that their children & our children, still as they should be born and come into the world hereafter, might be brought up in the same Union, between their and our posterity from generation to generation forever.

He added, that in the last Council they held with us, they spoke concerning the sun by whose Influence they had lived in warmth & plenty from yͤ beginning, that they now desired the same happiness might be continued to them with us in the firmest peace, & that it might last as long as that sun should endure.

That when any clouds interposed between them &c the sun it brings Coolness & is unpleasant, the same it will be if any Cloud should arise between them & us, and therefore they Desire if any thing of that kind appear it may be Dissipated without Delay.

He Laid down a 3d belt and Continued in the same strain, Desiring as before, that they might still Enjoy the warmth of the sun & our friendship together, that then they should want no necessaries of Life, but enjoying all the Comforts of it with their wives, & might lie down repose themselves with them in peace & safety, without any Disturbance.

And this he Delivers in behalf of all our Indians on this side Sasquehannah, who are all Concerned with him in this treaty, and this was all he had to say on this subject.

He then again began, & laying down a bundle of Deer Skins said, That now they would Discourse of matters of Trade between them &c us, that hitherto that had been like a House that had two Doors, the one for them & the other for the English, but the Goods were placed in the Dark, so that they were wholly ignorant how they had been Dealth with, or how they should Trade.

He repeated the same laying down a 2d bundle of Skins, & Desired they might be informed of the terms they might trade upon, that if occasion were they might at any time send their wives & be out of Danger of being cheated.

He added a 3d bundle of Deer Skins, Complaining how hard it was upon them, for that they knew not what they were to Expect for their Goods, and that they could scarce purchase ours.

Laying down a 4th, being skins & furs, He Desired that they might be as People eating all of the same Dish, and so they might be Dealt with as if they were our own People.

Presenting a 5th, He said that formerly they exactly knew the prices both of our Goods and theirs, but now they varied so there was no understanding them.

With a 6th, He said that thro' this uncertainty he wore himself such ragged breeches he was ashamed to shew them, and desired this Inconvenency might be remedied.

Offering a 7th, He complained that they were often imposed on by y^e^ weight of our money when they came to sell; that we certainly knew the value of theirs, but they could not understand ours, & therefore desired that this great Inconvenency might also remedied.

He offered an 8th, Informing that Opessah, (formerly king of the Shawanois, but now abdicated,) lived at a great distance, & entertained them with victuals & provision when they went that way, and therefore they desired that when He Came among us he might be reced. as one of themselves, with the same openness that he reced. them.

Having ended their Discourse they were told that to-morrow they should receive answers to all they had said, & were for the present Dismissed; but orders were given to y^e^ Mayor of Philadia., I. Norris, & the Secry. to take an acct. of the presents now made, & their value, & that Goods should be provided, to be ready in the morning, and the said presents were found to consist of:

45 Raw fall Deer skins. wtt.	138lb.	at 9d.	£5.	3.	6
8 Summr., Ditto.	16	at 13½d.	0.	18.	0
53 Drest	57	at 2s. 6.	7.	2.	6
84 whole foxes,		a 1s. 6ea.	6.	6.	0
12 Raccoons,		a 1s. ea.	0.	12.	0
3 Ordinary ffishers,		a 3s. ea.	0.	9.	0
			£20.	11.	0

At a Council held at Philadelpia., the 15th of June, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr. Lieut. Govr.

Griffith Owen, James Logan, Richard Hill,	Esq'rs.	Isaac Norris, Robert Assheton.	Esq'rs.

Presents having been prepared according to order, & the Indians being mett & seated, the Govr. ordered the Interpreter to inform them.

That their visit on so friendly a Design as still further to strengthen the Bond of Peace between us, was very acceptable; That we Doubted not but they think themselves & their Children from Generation to Generation obliged to keep inviolably those firm Treaties of Peace which had been made, & which he had kept, & were resolved ever to keep firm on our side, and hope none of them have any real Cause to murmur, if they know of any they are Desired to mencon it freely.

That the Great Queen of England who had for so many years reigned with great success, was now dead, & was succeeded by a king, who has been a great General in the Wars, is a wise king, and has more Dominions than any king of Great Brittain ever had before him; that under him as well they (yᵉ Indians,) as we his other subjects may live in the same peace that we have enjoyed at any time before; That our Propry., their friend Wm. Penn, is still living, tho' but weak in health.

That as to the Complaints they made Concerning Trade, the Govr. is sorry he Can't give ym. a more intire satisfaction in it, & remove every hardship they lie under; But that all trade is uncertain, Our own wheat yᵉ last year yielded twice the price it does this; All our Goods yᵗ they buy are brought from England, whither we also send theirs; That sometimes a habit that is in fashion one year is laid aside the next, and accordingly the skins they are made of will be of a higher or lower value. It is the same with all our other merchandize as with those that they buy, their own security & safety will be to trade with the honestest men, and those of the best Reputation, and prefer those who will give the most, that this is our Rule in all our business, and they must do the same.

That Opessah has long been under a League of friendship with us, and tho' he has now left those Indians among whom he formerly lived, yet we shall shew him the same friendship as ever, & shall Depend upon the same from him, and that upon this further Recommendation of theirs, he will think himself as one of them, & under the same bond with them, and therefore we desire as he lives at a great Distance, & may see many foreign Indians, he will from time to time Inform us if he hears of any thing new that may Concern us, & this we desire & shall Expect & Depend on from him & all his friends there, as also that if they know any thing now of any late motions to or from the Southward, they would acquaint us; Concerning wch being particularly asked, Opessah affirmed he knew nothing.

The Govr. further Ordered they should be told, That all the sober English very much lamented that they Could not Guard themselves better against Liquors. That they should send their young men abroad to hunt, & at their Return should sell their goods for such things as would be of real service to them, & not throw it all away for that Destructive Liquor Rum, which robb'd ym. not only of all their goods but their lives also.

All which being Delivered, together with the Presents that were provided, Pokehais, in the name of yᵉ rest, Exprest their satisfaction & thanks for the favours now shewed them.

The Presents were:

16 Stroud matchcoats at 19s..	£15. 4. 0
10 Duffell matchcoats at 10s. 6,	5. 5. 0
6 Blankets, a 13s. 4,	4. 0. 0
6 Shirts, a 8s. 6,	2. 11. 0
50 lbs. of Powder,	4. 10. 0
100 lbs. of lead & 100 lbs. of Tobacco, at 3d. per lb. each,	2. 10. 0
12 Dozen of Pipes,	0. 4. 6
	£34. 4. 6

At a Council held at Philadia., the 21st of June, 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Govr.

Richard Hill,	Esq'rs.	Samuel Preston,	Esq'rs.
James Logan,		Jonathn. Dickinson,	
Isaac Norris,		Robert Assheton.	

Mr. Logan acquainted the board, that he had informacon. by Thos. Chalkley, who lately came from Maryland, that the Conestogoe Indians had left their Town & removed Twenty miles Distant, and it being thought y^{t} something Extraordinary had happened, that they should leave their Corn growing on the Ground. It was order'd., that a message should be sent up to them by some of the Chief of the Indians now in Town, & a small present, to witt: a matchcoat for the two Chiefs Civility & ———, & tell them we would be Glad to see them, & that they should inform them that they, together with the Delaware Indians, had already been here & renewed their League of friendship, & were kindly received.

At a Council held at Philadelpia., y^{e} 22d of June, 1715.

PRESENT:

The Honble CHARLES GOOKIN. Esqr., Lieut. Governour.

Griffith Owen,	Esq'rs.	Isaac Norris,	Esq'rs.
Richard Hill,		Jonathn. Dickinson,	
James Logan,		Robert Assheton.	

The Indian Chiefs, viz: Sasoonan & Matasheechay, with Opessah, being called according to y^{e} Order of Yesterday, y^{e} Govr. acquainted ym. that he, with the Council, were Extreamly well pleased to see them, & with the Treaty that we had with them,but could have wished they had more effectually taken the advice that was given them to forbear Excessive Drinking, & especially to avoid Rum, wch since it disorders them so very much & ruins their health, they ought to shun as poison; for tho' valuable Good men, when sober, yet when overcome with that unhappy Liquor, they are quite lost & become beasts. That had the Govr. thought they would not have taken more care of themselves he would have prevented their buying it, and must Do so the next time they are so kind to visit us, that so we may be able During all the time of they stay to Converse together.

That now however he is glad to see them sober again at their Departure, and was willing to speak with them before they went to furnish them with some provisions for their Journey.

That we have now had with them a very friendly Treaty, which wth. all others heretofore they are constantly to remember.

That as they spoke in behalf of all the Indians on this side of

Sasquehannah, Excepting of those of Conestogo, the Govr. wishes that they had also come with them, but since they have not, Sasoonan & Metasheekay are Desired to inform the Chiefs of Conestogo, viz: Soteeryole & Taghuttalesse or Civility, that they have been here renewing their League, y^t^ we were sorry we saw not all our friends together, That to y^e^ end they might be partakers of the same League, we had sent each of ym. a matchcoat, & should be glad to see them with the first good Conveniency.

That hearing they design to leave Conestogo, We should desire an opportunity of discoursing them before they quit that antient settlement, and that they should say the same thing to those who are removed; That the better to Cover them from the night dews in their travels, we give each of them a stroud matchcoat.

That as they had particularly recommended Opessah, We were very well pleased with their regard to him, and as a token of our taking him into the same friendship with them, now gave him also a Stroud.

All which being interpreted to them & provisions Deliv'd for their journey, vizt.; some loaves & one hund'd. wtt. of Biskett, with 12 lb. Tobacco & Pipes, they returned their hearty thanks with Expressions of great satisfaction.

But Sasoonan complained that they were much abused by the Quantities of Rum brought amongst them, & requested the Govr. to cause a stop to be put to y^e^ practice.

Upon which they were told of the very strict laws made against it, but that it was impossible for us to know who came thither into the woods amongst them without their information, That it would be in their power effectually to prevent it if they would stave all the rum that came amongst them, which they were directed by the Govr. to do wthout fail as oft as any came.

They thereupon desired the Govrs. written Order for it, and accordingly the following Ordr. was issued.

By the Honble Charles Gookin, Esq., &c.

Whereas, Notwithstanding the several penalties laid by the laws of this Province, upon those who sell Rum to y^e^ Indians, Complaints are made by them, that great Quantities are still carried into the woods to their great Loss and Damage. For the more speedy prevention of wch., 'tis Ordered by the Govr. & Council, that all Indians who shall at any time see any rum brought amongst them for sale, either by the English or others, Do forthwith stave y^e^ Casks & destroy the Liquor, without suffering any of it to be sold or Drank, in wch Practice they shall be Indemnified & protected by y^e^ Govmt. against all persons whatsoever. Dated at Philadelphia, y^e^ 22d of June, 1715.

At a Council held at Philadelpia., y^e 29th of Augst., 1715.

PRESENT:

Y^e Honble CHARLES GOOKIN, Esqr., Ltt. Govr.

James Logan, Richard Hill, Saml. Preston, } Esq'rs. Jonathn. Dickinson, Robert Assheton. } Esq'rs.

It is moved that a Clause in a former Commission, about the late Queen's Order in Council, requiring People in England, who are willing to take an Oath, might be allowed so to do, by the proper Judges & officers of Pennsylvania, in which said Clause there was authority given to 3, 2, or 1 of the sd. Justices, Destinctly & separately from such as do, to administer an oath in court, as one all & every such oath or oaths as shall be found necessary for the doing of Justice, Which said clause was left out of the last Commission; It is therefore ordered that a new Commission shall be drawn, & the Clause aforesd. be Inserted.

At a Council held at Philadia., the 2d of Septr., 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

James Logan, Richard Hill, Saml. Preston, } Esq'rs. Jonathn. Dickinson, Robert Assheton. } Esq'rs.

Upon the Peticon of Wm. Eburn, setting forth that whereas he shipt on board the Brigantine Swallow, Saml. Hillary, Mastr., to this Port, to Barbadoes, 35 casks of Rum, wch said Vessel was drove out of the Harbour of Barbadoes by stress of Weather, so that he could not send the Bill of Lading Invoice or orders to John Van Laer, to whom y^e said goods were consigned; that Saml. Hillary, when arrived at this Port, entered the said Rum in the Office of the Collector of y^e Duties of this Govrmt., & delivered the same to the said John Vanlaer, without either bill of lading or Invoice; the said John Vanlaer stored y^e said Rum, & Expecting him. y^e said Peticoner, every day, Delayed going to y^e said Collector; That the said Collr. came to y^e sd. John Vanlaer in order to gauge y^e sd. Rum; That y^e sd. John Vanlaer desired y^e sd. Collr. to stay a day or two, for that he Expected him the said Petitioner every Tide with more Rum, & then y^e duty should be paid for y^e whole, & that the Rum could not but wth much Difficulty be moved, the said Casks being stowed one upon another; that the sd. Jno. Vanlaers business in a few hours Called him out of Town; that y^e sd. Collr., whilst absent, seized y^e sd. Rum & removed it out of y^e store. He therefore humbly Craved that this board would take the premises into Consideration, & order the said Collr. to return the said Rum to him y^e sd. Petitioner, him the said Petitioner nor the sd. John Vanlaer not in yᵉ least designing or intending to defraud the Govrmt. of the said Duty; & he the said Peticoner would willingly pay the Charges (if any) accrued about yᵉ seizure & removing the said rum. Which Peticon being considered, and it appearing that it was owing solely to an act of Providence that there was no person in Philadia. who could properly own & appear for that rum; That an Entry of the Rum being first made with the officer it was put into a store, to remain there till the owner himself should arrive; that there was no design in any person to Elude the act or to oppose the payment of the Duties, And therefore that it fall not within the intention of yᵉ act, That goods under such circumstances should be forfeited: it is yᵉ opinion of yᵉ board that as yᵉ Collr. did his duty in taking yᵉ sd. Rum into his Custody, so he may safely drop the seizure, the owner paying yᵉ Duties according to Law, with all the Charges accruing.

At a Council held at Philadelpia., the 13th of Septr., 1715.

PRESENT.

The Honble CHARLES GOOKIN, Esqr., Ltt. Governr.

Griffith Owen, Caleb Pusey, James Logan, Richard Hill, Esq'rs.
Isaac Norris, Samll. Preston, Jonathn. Dickinson, Robert Assheton. Esq'rs.

Sotyriote, Chief of yᵉ Conestogo Indians, with divers others of his nation & of the Ganawoise, being arrived in town last night, on the message sent them from this Board by Sassoonan and Metashichay, two of yᵉ Delaware Chiefs, yᵉ 22d of June last, the Council mett to Consider of yᵉ Treaty to be held with them.

And as they are come at the Request of this Govrmt., It is therefore agreed & Ordered that according to yᵉ custom of yᵉ Indians a present should be made to them, viz: six Stroudwater matchcoats, six Duffel matchcoats, six Blanketts, half a Barrl. of Powder, & a hund'd. pounds of Lead, with some Tobacco & Pipes, & that care be taken of their Entertainment, as also that some present be made to Harry the Interpreter, to yᵉ value of three pounds or thereabouts.

That they be informed that the Indians of Delaware with Opessah in behalf of the Shawanois Coming hither of themselves last 4th mo., Did in a solemn manner renew the Treaty & Confirm the bond of friendship between us, wch they did in yᵉ name & behalf (they said) of all Indians on this side of Sasquehannah, those of Conestogo excepted, whom they left to speak for themselves, & therefore that we desired that these Indians would also come to visit us as the others had done, that we might at the same time renew our Leagues of friendship with all our friends & Brethern; That they had always been such to us, & that our Conduct to each other had always been so friendly, and the Leagues of this friendship had been so often repeated and Confirmed, that we were desirous to see them as our friends & brethern as often as any others of our Indians, for wch reason we had sent them that message.

The Indians not being mett, ye Conference & Treaty with them was deferred, and the Council adjourned for that purpose till 7 in the morning.

At a Council held at Philadelpia., the 14th of Septr., 1715.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieutt. Govr.

Griffith Owen,	Esq'rs.	Isaac Norris,	Esq'rs.
Caleb Pusey,		Samuel Preston,	
James Logan,		Jonathan Dickinson,	
George Roche,		Robert Assheton.	

The foremenconed Indians, with their Interpreter, mett, & the Present Provided, The Govr. Ordered them to be informed that he, with the Council, were glad to see them, and would have been pleased if it had been sooner. That Sasoonan, in behalf of his own & all our other Indians on this side Sasquehannah, those of Conestogo Excepted, had in ye most friendly manner renewed their Treaties & Confirmed ye bond of friendship between us. That we were thereupon Desirous to see them also, that we might at the same time have ye satisfaction of Conferring with & Entertaining all the Nations of our friends around us, & by that means have an opportunity of knowing how it was with them.

That We had heard they had a design of removing from Conestogo to leave room for the English to settle there; but that we desired they should not make themselves uneasy, and if they thought it might be more for their Conveniency to be at a greater distance, we should expect first to be acquainted with it.

They were also particularly informed of what passed between our Delaware Indians & us, at the last Treaty, and the minutes then taken were interpreted to them, with all wch they appeared very well satisfied.

The presents, as yesterday ordered, were Delivered to them, amounting to about £20 in value, besides ye three pounds ord'd. to Harry, ye Interpreter, & ye Charges of their Entertainment.

Upon their receiving of these they were particularly desired to be careful, from time to time, to inform us of any Strangers coming amongst them, & of every thing new that should happen amongst ym., for as we were friends & Brethren we must be concerned for their safety & welfare, as well as our own.

They all appeared extreamly well pleased, & ye Council adjourned till morning to receive their answer.

At a Council held at Philadelpia., the 15th 7th mo., 1715.

PRESENT:

Griffith Owen, Richard Hill, James Logan, George Roche,	Esq'rs.	Isaac Norris, Samll. Preston, Jonathn. Dickinson, Robert Assheton.	Esq'rs.

The Govr. being obliged by some urgent affairs to repair to New Castle, left the management of ye affair with ye Indians to the Council, who being mett, and the same Indians attending, Soteyote, by the Interpreter, said, That they were very well pleased to find that the Indians who were here in summer, had shewn themselves so mindful of former treaties & agreements that were made with Willm. Penn, at his first arrival; that their old men were generally gone off the stage, & they a younger Generation were come into their place; that they on their parts should ever desire to live in the same Peace & friendship with us, that their fathers had done, & that not only they but that their and our Posterity might do the same from Generation to Generation. That all things were well amongst them, & they had nothing in relation to this Govrmt. to blame or in anywise find fault with.

They then laid down four strings of white Wampum, & said, That Opessah, who was formerly a king of ye Shawanois, near Conestogo, but had now for some years been abroad in the woods (as he said) a hunting, had, just at their coming away from Conestogo, sent them a message with that Wampum, to tell them he was now going a hunting again, yt they thought it convenient to acquaint this Govrmt. with it, and that if they hear any thing further of his proceedings, they will not fail from time to time to give us an acct of it.

They then presented to ye Board seventeen Deer skins in ye Hair & eighteen ffoxes skins, and said, That as they always had lived in Peace, & we & they had been as Brethren and friends, so they desired we might ever continue the same. That they had nothing to complain of, but desired we would for their greater ease in Trading with our people, acquaint them with the certain prices of our goods, for that the Traders imposed upon them. They were told in answer to this, the same things that had been said to Sasoonan & the Indians with them; that it was impossible to sett any prices, for goods were sometimes Cheaper, sometimes dearer, and ye traders would sell their goods dearer at Sasquehannah, after they had been at the pains to carry them some days Journey on Horseback thither, and that we could advise them to no other method than what we took ourselves, which is that every man should bargain as well as he could for himself, but in the meantime as we had past a Law, that none called Christians should offer them any injury, so if they received any they were desired to acquaint us with it and they should be redressed.

At a Council held at Philadelpia., y^e^ 30th of April, 1716.

PRESENT:

The Honble **CHARLES GOOKIN**, Esqr., Ltt. Governour.

Richard Hill, James Logan, Willm. Trent,	Esq'rs.	Isaac Norris, Robert Assheton.	Esq'rs.

It is thought fitt that the Assembly should, when they meet, be acquainted that there is very great occasion for an act to impower aliens to hold & enjoy Land, &c. within this Province, as also that a duty should be laid on all Goods imported from the Province of New York, Jersey, &c., to this Province.

At a Council held at Philadelpia., y^e^ 2d of May, 1716.

PRESENT:

The Honble **CHARLES GOOKIN**, Esqr., Lieut. Govr.

James Logan, Samuel Preston,	Esq'rs.	Robert Assheton, Esqr.

The Govr. having summoned a Council to day, & no more than three members attending, a message was drawn up from the Govr. to y^e^ House, & ordered to be Carried by Samll. Preston & James Logan ,in these words.

GENT. :

By what mistake or misfortune you mist your adjournmt., I shall not inquire ; you are now restored to your privileges as at first, and I am ready to joyn with you, to enact such Laws as may be for the Interest & Tranquillity of the Province.

To what I laid before you at your first meeting, I must recommend to you that a Law may be made to Impower aliens to hold & enjoy Lands ; That a duty be laid on Goods imported from New York & Province adjacent, equivalent to what they have laid on ours ; And that the Property act be revived.

Gent. I must on my own part Recommend to your Consideration that I have been almost Eight years in y^e^ Proprietors service, & above seven in the Province, yet have not received from y^e^ Publick an Equivalent to what I left to serve them. I shall make no demand, but leave this matter intirely to you.

Should it be my misfortune to be disregarded in this point, I suppose I cant be justly blamed if I sollicit to be recalled. & I heartily wish such a person may be sent to preside over you, who will bring with him a stronger Inclination, (if it be possible,) than I have, to exert himself for y^e^ honour & Interest of the Proprietor, & for the Interest & happiness of the People.

And the said members returning reported that they had delivered it.

At a Council held at Philadelpia., the 4th of May, 1716.

PRESENT:

The Honble CHARLES GOOKIN, Esqr. Lieutt. Governour.

James Logan,
William Trent,
Samll. Preston, } Esq'rs.
Jonathn. Dickinson,
Robert Assheton. } Esq'rs.

A Message from the assembly, by Richard Hill, Edwd. ffarmer, & two other members, acquainted the Govr. that having taken into Consideration the several matters Recommended to them by the Govr., and having ordered several bills to be prepared & brought in, pursuant to the Govr's. last message to y^e House, are inclined to adjourn to the first second day of y^e next month, at wch time the said bills will be prepared accordingly; and that the said messengers Do desire to know of the Govr. if the Laws of this Province lately past, had been remitted to Great Brittain, & whether he had any advices from thence relating to this Govmt., and also that they represent unto the Govr. the great uneasiness that there is among the people of this Province, by reason that several Criminals now lye in the several Gaols of this Province who are not yet brought to Tryal.

To which the Govr. answered that he would not object to their proposed adjournment, provided they would first Give a reasonable answer to what he had recommended to them in his first Speech, and the latter part of his last Written message, otherwise he must necessarily apply to Great Brittain; That he knew nothing of the Laws being remitted to England, nor had received any advices from thence for a Considerable time past. That he must be Extreamly Cautious how he proceeded in relation to y^e Criminals in Prison, & the Execution of such Laws as touched y^e life of man, but he would advise with such persons as are well skilled in the law, on whom he could rely.

The same four members returning, brought the following message, vizt:

That the matters first proposed in his speech had been duly considered by the House, & bills ord'd. to be prepared accordingly; that as to y^e article of y^e supply, y^e House cannot think of laying a New Tax so suddenly on the Gathering of y^e former; nor can at present Judge of y^e public funds, or what may in further time be brought into y^e Treasury, so as to come to a Resolution at this time on that head.

Whereupon the Govr. desired that the Speaker with the whole house would attend him in y^e same room, at 4 of the Clock in the afternoon.

And accordingly the Speaker with the whole house attended the Conference, in which the Govr. strenuously pressed a supply, & after sometime withdrawing, the Govr. received this further message from the House by the same four members, vizt:

That the House could not recede from their message to him this morning, But that what the Govr. had offered in the last Conference should be in the mind of each member of the House until their next meeting on y^e fourth of the next month, to wch time they were inclined to adjourn. And in y^e mean that y^e several bills voted by his House should be ready at their said next meeting.

To which the Govr. answered that if he was then in the Province he would act wth them.

June 5th, 1716.

The Assembly having mett yesterday pursuant to their adjournment, and having by 2 of their members, sent a message to y^e Govr., pressing him to take some effectual measures that those Criminals Committed to Chester Gaol for murther may be brought to a Speedy tryal.

Samll. Preston brought an answer from the Govr. in Writing, in these words:

That the Govr. had appointed persons to try y^e Criminals as the Law Directs, & Commissns. were issued out; That the neglect therefore do not lye at his door, if they did not proceed; That one of y^e Judges has for some months been absent, & he is given to understand y^t another declines to act, but is very ready to Commissionate any other person that may be found proper and may be willing to undertake it, which is now under Consideration.

A message was sent the same day from y^e House to y^e Govr., that they inclined to adjourn to the 6th of August, and having accordingly mett & sent a message on the 7th to acquaint the Govr. with it, and to Desire to know whether he had any thing to lay before them. He answered that he had nothing further than was contained in his first speech & Written message.

At a Council held at Philadelpia., y^e 12th of June, 1716.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Ltt. Governour.

Griffith Owen, Richard Hill, Isaac Norris,	Esq'rs.	Samll. Preston, Jonathn. Dickinson, Robert Assheton.	Esq'rs.

The Govr. laid before the board a letter he received from Hugh Pugh, now in Prison in the County of Chester, for murthering one Jona. Hays, which was read, and the Board thought fitt that Robert Assheton be commissionated in the stead of Capt. Roche, who is now out of the Countrey in order to Expedite the said Hugh's Tryall, Mr. Trent, one of the Judges of the Supream Court Declining to act.

At a Council held at Philadelpia., the 30th of July, 1716.

PRESENT :

The Honble. CHARLES GOOKIN, Esqr., Lieut. Govr.

Richard Hill, James Logan, Willm. Trent, Esq'rs.
Isaac Norris, Samuel Preston, Robert Assheton. Esq'rs.

Sotayriote, the Chief of the Conestogo Indians, Tagotelessah or Civility their Captain, Sheekokonickan, a Chief of the Delaware Indians, being come to Town, attended yᵉ Govr. in Council ; But the Clerk having neglected to enter yᵉ minutes of what past, as he did all others relating to these people, which J. Logan himself took not with his own hand, they are with others irrecoverably lost.

At a Council held at Philadelpia., the 16th October, 1716.

PRESENT :

The Honble. CHARLES GOOKIN, Esqr., Lieut. Govr.

James Logan, Samll. Preston, Esq'rs.
Robert Assheton, Esqr.

The Assembly waited on the Govr. and presented Richd. Hill, their Speaker, And the Speaker according to yᵉ usual form Desired that yᵉ following privileges may be allowed them, vizt : That they might have freedom of speech, free access to yᵉ Govr. & a favourable Construction put upon their proceedings, wch the Govr. assured them of, after wch the Govr. made yᵉ short following speech.

GENT :

There was so little done by the Assembly of the last year, that what I laid before ym. I must recommend to your Consideration ; If upon further views you may have further bills to offer, that may be for yᵉ Interest & tranquillity of the People, I shall be ready to pass them into Laws, & I promise myself you will make a return suitable to their Circumstances, & yᵉ advantages they will receive by them.

At a Council held at Philadelpia., the 18th October, 1716.

PRESENT :

The Honble CHARLES GOOKIN, Esqr., Lieut. Govr.

Griffith Owen, James Logan, Esq'rs.
Samuel Preston, Robert Assheton. Esq'rs.

Clemt. Plumstead & Jno. Swift, in a message from yᵉ House of Representatives, brought to yᵉ Board yᵉ following Resolves in writing, dated yᵉ 17th Inst., vizt. :

That the Royal Charter makes the acts of this Province most absolute & available in Law, until repealed by the King.

That the Laws of this Province now in force have sufficiently settled the Qualifications of magistrates, officers, &c.

That the act of y^{e} 1st of K. George, relating to y^{e} affirmation & Declaration of y^{e} people call'd Quakers, &c., does not repeal or make void any the Laws of this Province.

That whosoever doth or shall perswade y^{e} Govr. to be of a Contrary opinion, or to refuse y^{e} Qualifying of persons pursuant to the said Laws of this Province, are Enemies to y^{e} Govr. & Government.

Which being read, y^{e} members present at the Board unanimously declared they concurred in opinion with y^{e} House, only R. Assheton was more tender in Expressing his indissent from y^{e} Govr., who plainly told the board he differed in sentiments from them.

N. B. In the afternoon Rd. Birmingham, y^{e} Govrs. brother in Law, delv'd. R. Assheton a paper sealed up, which he directed him to carry to y^{e} House as the Govrs. answer, he promised the House in the morning, a Copy of which being procured from the House, was in these words.

GENT.:

I laid your reasons of y^{e} 17th Instant before y^{e} Council, who, after much debate Declared themselves of your opinion to which I cannot agree, for the following reasons:

1. The Judges of the Supream Court, appointed for y^{e} Tryal of the prisoners at Chester, were persons who could take and administer oaths, & no objection was offer'd. me on acct. of the Inferiour officers or witnesses, & tho' I was of opinion I could not be safe in giving any qualification but an oath, yet by a Dedimus they might have been qualified as the law directs.

2. I Joyn with the Assembly in this Resolve, Provided the Laws are not repugnant to y^{e} laws of England.

3. I allow the Laws of the Province had settled the Qualifications of the magistrates & other officers, untill y^{e} publication of y^{e} act of K. George Relating thereto.

4. This is answered in the former.

5. I differ from the Assembly in y^{e} Case of Qualifications a Dedimus to qualify persons according to law, will it's to be hoped keep me safe, & answer the ends of Govrmt. in that case.

6. The messengers said not one word to me relating to your order.

The Provincial Judges also being called on Yesterday by the House, to give their reasons why they did not proceed to the Tryal of Hugh Pugh & the other Criminals now Confined in Chester Gaol, for the murther of John Hays, rendered the following reasons.

In obedience to the order of the House of yesterday, that the Judges of the Supream Court do lay before the House the reasons why the Tryals of the Criminals now in the respective Gaols of this Province are delayed.

We the said Judges humbly offer this reason, that observing a question has been raised, whether by extending to America the late act of Parliament for the affirmacon allowed to those Called Quakers, in Great Brittain, all y^e Exceptions in y^e sd. act are not also extended hither, and finding that our Govr., from whose Commissns. our Powers are derived, has entertained the opinion that they are so extended as on several occasions he has Publickly declared it. We cannot think it prudent in us to proceed, by virtue of our Commission, in opposition to that opinion in so tender a point as the lives of his Majesty's subjects.

WM. TRENT,
G. ROCHE,
JN. DICKINSON.

The same Day the House, by J. Langhorn & another member, in a message from the House, brought the Govr. y^e following return to his message, sent by R. Assheton in y^e morning.

May it please the Govr :

The Assembly having taken into Consideration thy speech, do find ourselves much discouraged from preparing any bills to offer the Govr. for passing into Laws, by the knowledge we have of his opinion concerning some of those Laws wch are already made, wch seems to render them of no use to the Countrey, nor can we think of such suitable returns as the Govr. seems by his speech to expect, when a stop is put to the Execution of our Laws, and such violence offered to our Constitution. The House has also considered the Govrs. answer of this day to our Resolves presented to him last night, & since as the Govr. has been pleased to Inform us thereby, that the opinion of the Council is the same with that of this House, so that the Govr. seems to stand singular therein. We hope the Govr. upon further Consideration will find reason to alter his opinion & Concur with this House in the said Resolves, more particularly that the act of the 1st of K. George, is not a negative to our Law for an affirmation here.

But if he should still think fitt to hold the contrary opinion, that he would lay before this House his reasons or authorities in Law for the same, & that he would be pleased to give this House leave & opportunity to Debate the same before him, with any such persons as have advised the Govr. therein.

October 19th, 1716.

Robert Assheton received from Richd. Birmingham another sealed paper, which he was directed to deliver to the House, of which a Copy follows.

GENT:

I am not surprized at the first paragraph of your message of yesterday, wch I thus answer wth the rest, to use the language of former Assemblys, & some of the Council, I am given to understand that you did not Design to make Laws nor raise money this Session, but upon terms inconsistent with my duty & safety to Comply with.

'Tis not to be wondered at that the Council should be of opinion with the Assembly, since of 4 of wch the Council consisted, 3 of them are of the people called Quakers, & the other, I suppose, durst not Dissent from them.

I cannot recede from my opinion relating to the act of the 1st of K. George, till I am otherwise directed from home.

I cannot agree to a Conference where I must be without a Lawyer, & under the disadvantage of six & twenty to one, for I assure you, Gent., In this affair I am Governed by my own reason, & If I had advisers I should not bring them to a Conference where 'tis probable they might see me treated with indignity thro' their sides.

And the same day y^e^ Govr., by Clemt. Plumstead & J. Langhorn, from y^e^ House received y^e^ following:

To Charles Gookin, Esqr., &c.

May it please the Govr:

This House being under a deep concern upon all occasions to shew their Loyalty as faithful subjects to his Majesty, K. G., can by no means think themselves discharged of their duty without further enquiry into the truth of the report which they have reced., and made the Govr. acquainted with this morning, wch affects their Speaker & another person bearing Considerable offices & trusts in this Govmt; and finding the Govrs. answer to our last message concerning the same not satisfactory, Do crave leave to acquaint the Govr. that this House doth intend immediately to resolve into a Committee of the whole House, in order to enquire into that matter; and that the saidCommittee will be desirous to receive from the Govr. or any other person any information concerning the same, in Order to proceed to y^e^ extent of what is their Duty, and purge this House of any member or members thereof that may appear, or shall be proved guilty of disloyalty to the King, or disaffeccon to his Govmt., under which we unaninously declare ourselves Extreamly happy and well satisfied.

November the 4th, 1716.

The Govr. received by William Trent, David Lloyd, John Swift, Benjn. Vining & y^e^ Speaker, Richd. Hill, the following Representation, a Copy of which was sent into each County, & also to England, and was in these words.

A Representation of the Freemen of the Province of Pennsylvania, in General Assembly mett, the 3d of the Ninth Month, 1716.

To Charles Gookin, Esqr., &c.

May it please the Governour :

When our Proprietor and Govr. in Chief first obtained a Grant of this province from the Crown, & a numerous Colony of industrious People settled therein, we are well assured it was his Inclination as well as visible Interest to render them as safe and Easy as possible under his administration.

And as his Religious perswasion as a Dissenter from y^e Established Church of England was well known, and therefore those of the same Profession made a great part of the first adventurers with him, it cannot be doubted but that he would ever think himself obliged to provide that they should enjoy in Pennsylvania at least equal ease & Privileges with any other English subjects of the same Rank in any of the King's Dominions.

Accordingly when necessitated to be absent from us, as he has for the most part been, he took care from time to time to appoint such persons to be his Deputies in the Govrmt., in whose moderation & Tenderness towards his Friends as well as Loyalty to the Crown & Justice to all its subjects he believed he might confide.

When the Govr. therefore first brought over the Proprietors Commission of Deputation for the Govrmt., we could not doubt but that, being y^e proprietors Choice & acting solely by Powers derived from him, He would steadily pursue the measures that had generally been taken from our first settlement, & Endeavour to make all the subjects of the Crown under the Proprys. Govrmt. equally secure & Easy.

On this Expectation, Confirmed by the Proprietors Letters of Recommendation, the Assembly's not doubting the Govrs. good Intentions towards them, freely Discharged what was incumbent on them, and 'tis hoped in no small measure to the Govrs. satisfaccon.

Nor while the Proprietors health & former abilities happily continued, had the Inhabitants much reason to complain, but that the Govr. made the Proprys. Directions from home, as far as they could be obtained, & the advice of those the Propry. had intrusted here, y^e Rule (in a great measure) of his Conduct in what related to the Propry's. Interest or Govmt., & to the Privileges of the People.

But whether it be now owing to the Discontinuance of those orders & Directions wch has followed on the late great and Melanchollv change in y^e Proprietors health, or to some unhappy advice of others, or to any new found views, we know not ; But this House of Representatives soon after their first meeting, finding the Govr. had at Length so far lost sight of the obligations he lay under to his principal & Constituent, as to enter on measures inconsistent wth his Interest and our Constitution, & the Liberties of the People, We judged it our Indispensable Duty to apply to the Govr. for Redress, who declaring his opinion to be such as would not admitt of any; We Desire with Due submission that he would be pleased to suffer the

Reasons of that opinion to be argued before him; But finding to our Trouble that all our Endeavours are in vain, We think ourselves obliged in the discharge of the trust Reposed in us, fully to represent the fatal Consequences as well unreasonableness of those measures, to the End that a proper relief may be obtained, without which the Greater part of the Inhabitants of this Province must be rendered miserable, which we humbly offer as follows:

Those who accompanied the Proprietor in the settlement of this Colony, being Chiefly (as has already been observed) of those called Quakers, who lying under some hardships in their native Countrey, because for Conscience sake They could not comply with the Laws there for taking oaths, they expected that by virtue of the powers of Legislation Granted by the Crown to the Proprietor & them, they might after their Hazard & toil of their Removal hither, be Capable of Enjoying the Privileges of English Subjects, without violation to their Religious Principles.

Accordingly the Proprietor & Assemblys provided Laws by wch those people might be enabled to hold any offices, (there being but few others at that time to fill them,) or to give evidence in any case whatsoever.

Some disputes afterwards arising on this subject, the late Queen, by her Order in Council, Dated the 21st of Janry., 1702, was pleased to extend to this Province the affirmation allowed to Quakers in England, by y^e^ 7th & 8th of Wm. the 3d, not only for the Purposes intended by that in England, but also for the Qualification of Magistrates & officers, and the same being from thence applied to other cases, this order on the repeal of our own acts, in a great measure supplied what was necessary on this point for the administration of Justice.

But the act of parliament itself being near its Expiration, it was found necessary, as well on that as some other Considerations, to establish by an act of this Province the Qualifications of Officers and the manner of giving evidence by affirmation; And y^e^ Govr. (upon the Assembly's performing the Conditions proposed to them,) passed acts for that as well as other purposes, to answer the Exigencies of the Governmt.

That the said affirmation acts should have full force according to the intention of them, is of such importance to y^e^ Ease & security of the whole province, that it could scarce be supposed any person amongst us, who professed even the most slender regard to the Peoples Welfare, would attempt to deprive them of the advantages thereof.

It is therefore the more surprizing that the Govr. himself, from whose station & the Trust reposed in him by our Proprietor the most tender concern for the safety & well being of all his Majesty's subjects under his Care might be reasonably expected, should be the principal if not the first person in his Governmt., who would render the intentions of those acts void to us, tho' passed by himself into Laws so lately before by Publickly declaring his opinion in such a manner as would render the said acts repugnant to the Laws of England, & repealed by y^e act of Parliament of the first of his present Majesty, In pursuance of wch opinion he has refused to qualify such persons for offices that could not take the Oath according to the Law of England.

The consequence of which is, that as no Quaker in Great Brittain is Qualified or permitted to give Evidence in any Criminal Causes, or serve on any Juries, or bear any office or place of Profit in the Govrmt., so should the same hold in this Colony, not only y^e greater Number of y^e first adventurers, with their Descendants of the same Profession, are to be wholly Excluded from having any part or share in the administration of Justice & Execution of the Laws of the Countrey; (which as it would be a general Inconveniency, so it would throw the burthen too heavily on a few of the Inhabitants,) But wt. is of no less importance for the security of those of other Professions, the greatest outrages & Barbarities against any person may be committed in the face of another number of Quakers, & the malefactors, tho' brought to tryal, must escape with impunity for want of Legal Evidence, if that of Quakers is not so to be accounted; of which the Govr. cannot forget a very memorable instance, when at a time that unhappily there was no act of the Province for an affirmation, but the Queen's Order was thought sufficient during that interval for all but Capital Cases, its presumed a murtherer Escaped the sentence that was due to him for want of such Evidence as was Esteemed Legal, tho' more than One Quaker appeared in Court who were witnesses to the fact.

But besides these Inconveniences however Great, there remains one further Consequence of that Construction of the act, wch perhaps the Govr. is not sufficiently advised of which is, That if no Quaker in Great Brittain, nor the Plantations. Can bear any Office or Place of Profit in the Govmt., some may Judge it a Natural Inference that the Proprietor himself is equally affected by it, and then all Powers derived from him, as well those lodged in the Govr. by his Deputation, as the magistracy and inferiour officers fall together.

Having thus far pointed out the Destructive Consequences of that opinion, should it fully take place in this Province, We Judge it in the next place Incumbent on us in Duty to the Govr., & for the Discharge of the trust reposed in us by those we represent, to offer to the Consideration of the Govr. & all others Concerned, such reasons as have occurred to us in our Enquiry into this Head, which we hope with submission will render it incontestably Evident, that the affirmation acts of this Province are in full force, & are neither Repealed nor affected by any act of Parliament that has Come to our knowledge, but that the Govr. is obliged to take Care that the same be equally with any other act put duly in Execution.

By the same Royal Charter of King Charles the Second, by wch this Province, with Licence to transport an ample Colony thereunto was Granted to our Proprietor & Govr. in Chief, the said King Grants to him and his Heirs, &c. Power to make Laws Jointly with the People, and directs the force and Limitations of them in the following words as they stand in divers parts of the said Charter, but are here Collected, vizt. :

We Reposing Special Trust & Confidence in the fidelity, Wisdom, Justice & provident Circumspection of the said William Penn, for us, our Heirs & Successors, do grant free, full & absolute Power, by virtue of these presents to him and his Heirs, & to his & their Deputies & Lieutenants, for the Good & happy Governmt. of the said Countrey, do ordain, make, enact, & under his & their Seals, to Publish any Laws whatsoever for Raising of money for the Publick uses of the said Province, or for any other end, &c., By and with the advice, assent & approbation of the freemen of the said Countrey, or the Greater part of them or their Delegates, &c.; And the same Laws duly to Execute unto & upon all People within y^{e} said Countrey & Limits thereof. Which Laws so as aforesaid to be Published, our Pleasure is, & so we Enjoyn, Require & Command, shall be most absolute & available in Law, and that all the Liege people & subjects of us, our Heirs & Successors, do observe & keep the same inviolably in those parts so far as they Concern them, under the Penalties therein Expressed or to be Expressed : Provided nevertheless, that the sd. Laws be Consonant to Reason, & be not repugnant or Contrary, but as near as Conveniently may be agreeble to the Laws, Statutes and Rights of this our Kingdom of England. And our further Will and Pleasure is, that the Laws for Regulating & Governing of Property within the said Province, as well for the Descent & Enjoyment of Lands, as likewise for the Enjoymt. & succession of Goods & Chattels, & likewise as to Felonies, shall be & Continue the same, as they shall be for the time being by the General Course of the Law in our Kingdom of England, until the said Laws shall be altered by the said Willm. Penn, his heirs or assigns, & by the Freemen of the said Province, their Delegates or Deputies, or the Greater part of them. And to the end the said Willm. Penn, his Heirs or other the Planters, Owners or Inhabitants of the said Province, may not at any time hereafter, by misconstruction of the Powers aforesaid, thro' inadvertency or Design Depart from that faith and due allegiance, which by the Laws of this Our Realm of England, they and all our subjects in our Dominions & Territories, always owe unto us, Our heirs and Successors, &c. Our further Will and Pleasure is, that a transcript or Duplicate of all Laws wch shall be so as aforesaid made & published within the said Province, shall within five years after the making thereof, be transmitted & Delivered to the Privy Council for the time being, of us, our heirs and successors, & if any of the said Laws within the space of six months after, that they shall so as aforesaid, transmitted & Delivered, be

Declared by us, our heirs or successors, in our or their Privy Council, Inconsistent with the sovereignty or Lawful Prerogative, of us, our Heirs or successors, or Contrary to the faith and allegiance due by the Legal Government of this Realm, from the said Wm. Penn or his Heirs, or of the Planters or Inhabitants of this Province; and that thereupon any of the Laws shall be adjudged & Declared to be void by us, our Heirs or successors, under our or their Privy Seal, that then and from thenceforth such Laws concerning which such Judgemt. & Declaration shall be made shall become void, otherwise the said Laws so transmitted, shall remain & stand in full force according to the true Intent & meaning thereof.

Pursuant to these Powers the said acts of this Province for an affirmation were made and Published, and a Considerable part of the five years limited in the Charter is yet unexpired, the same have duly transmitted, nor have we heard any thing but that they are or may be well approved of, Having reason to hope that they contain nothing for which, according to the Tenour of the said Royal Charter, they ought to be Declared void; and therefore are of as full force as absolute & available, and to be observed & kept as inviolably as any Law whatsoever that can be enacted in this Province, and ought accordingly to be as duly Executed by the Govr. to the full Extent thereof.

But the Govr. in answer to a Resolution of this House of the 18th October last, Which was that the Royal Charter makes the Acts of this Province most absolute and available in Law untill repeal'd by the King, is pleased to say: That He joins with the Assembly in this Resoive, Provided the Laws are not repugnant to the Laws of England; And by the following paragraph in the same answer, which is, That He allows the Laws of the Province had settled the Qualifications of magistrates and other officers, untill the Publication of the act of King George, relating thereto; He has at last thought fitt to Give so much under his hand as his opinion, the Natural Construction whereof is, that the said affirmation acts of this Province (being the subject then in hand) are repugnant to the Laws of England & Repealed by the said Act of Parliament.

But to this we humbly offer that if it must be termed Repugnant, because it differs from or is not the same with the act of Parliament, then the Clause of the Royal Charter which Grants power to the Govr. & Assemblys here to alter the laws of England for the Descent of Land, Enjoying Estates, & Punishing felonies in this Province, as is above recited from the said Charter, appears to be useless and in vain.

But it is further to be considered, that as the Term Repugnant always implys an absolute opposition or Contrariety in matter, it cannot be said, That an act of this Province, which enables those called Quakers to serve in office, upon Juries, & to be Evidences in all cases, the Circumstances of the Countrey requiring that it should be so, is contrary to an act of Great Brittain, which enables them only to give Evidence in Civil Cases; these two Differ 'tis true, and and so it was Certainly Considered & Expected at the time of the Royal Grant, that our acts might in some measure Differ from those in England, otherwise those of England would suffice, and no such power for altering them needed to have been Granted; on the Contrary, the act of this Province, pursuant to the directions of that Royal Charter, is as nearly agreeable as to our Conveniency may be to the Statue Provided for Quakers in Great Brittain.

But the Govr. we presume, Could not intend by his answer, That this act at the time of passing it was repugnant to any of the Laws of England, tho' it differed from them; For in that Case Certainly He Could not have given it his sanction; it must therefore be meant that it is become repugnant only since the supposed Publication of the British act, wch He conceives repealed; Or to state what can be alledged on that head in its full force and y^e^ plainest terms it will bear; That the act of the first of King George, Intituled an act for making perpetual an Act of the Seventh & Eighth years of the Reign of his late Majesty, King William the third, intituled An Act that the solemn affirmation & Declaration of the People called Quakers shall be accepted instead of an oath in the usual form, &c., Extends to this Province that act of King William by these words, in the last clause of it, vizt:

Provided always, that so much of this act as relates to the affirmation to be made by y^e^ people called Quakers, shall be Extended to that part of Great Brittain, called Scotland, forever, and to the plantations belonging to the Crown of Great Brittain for five years, &c.

Therefore, that as the Quakers are not permitted by that act in Great Brittain to hold offices, serve on Juries, or be Evidence in Criminal Cases, so by its being extended to the Plantations, they are as effectually disabled there, and that all acts of this Province for Qualifying Quakers in these Cases, are by the Superiour Force of this Act of Parliament, Repealed and made utterly void.

But when the language of the Act itself comes to be considered, the whole seeming force of this objection will, we presume, entirely disappear; The Clause of Limitation in the seventh & Eighth of Willm. the third, is in these words:

Provided and be enacted: That no Quaker or reputed Quaker shall by virtue of this act be Qualified or permitted to give evidence in any Criminal causes, or serve on any juries, or bear any office or Place of Profit in the Govmt.; any thing in this act contained to the contrary in any wise, notwithstanding. Upon wch we conceive what Brigadier Hunter, Govr. under his Majesty, of the Province of New York & New Jersey, has, (in a Case parallel with ours,) observed in his printed Declaration on that subject, under the title of an answer to what has been offered as an argument against the validity & force of an act of Assembly Entituled An Act that the solemn affirmation and Declaration of the people called Quakers, &c., passed in the Province of New Jersey, in the thirteenth year of the reign of Queen Ann, to be of such force as to be worthy our recital; In which after he has observed in General in the following words:

Into what a woful condition must the Plantations be plunged if such Laws as shall by a Legislature lawfully Constituted by virtue of Letters patent under the Broad Seal, be enacted for the good Govmt. & Ease of the subjects there, shall by implication or Construction be deemed to be repealed, &c. He is pleased to say, That act of Assembly is not so much as by implication Repealed, for the words in that act upon which they lay the stress of the argument are these: "Provided, that no Quaker shall, by virtue of this act, be Qualified, *&c.*" now I know no Quaker, (continues that Gentleman,) that pretends he is or can by virtue of that act be qualified; but I believe every Quaker thinks that he is or may be Qualified, by virtue of an act of Assembly Intituled, An Act that the solemn affirmation & Declaration of the people called Quakers, &c., Passed in this Province & sent home, &c.; It is as plain as words can make it, that that act of the 7th & 8th of K. Wm. has no negative, but upon itself, & Consequently cannot be alledged in Bar to any Laws already enacted in the Plantations, or even such as may be enacted. For by these Letters patent which give a being to this Government & Legislature, all such Laws as shall be enacted by the Govr., Council & Assembly, are declared to be in full force from the time of Enacting.

The same worthy Gentlemen & Govr. is further pleased in the said print to Publish an Instruction from the late Queen, in whose Reign that act of Assembly was made, directing him to pass such an act in New Jersey; By which Instruction her Majesty was pleased further to Declare her Will and Pleasure; That such of the People Called Quakers, as shall be found Capable of serving in her Council, the General Assembly, & in other places of Trust & profitt in New Jersey, and accordingly be elected or appointed to serve therein, may upon their taking & signing the Declaration of allegiance to her Majesty, in the form used by the same people in England, together with a solemn Declaration for the true Discharge of their respective Trusts be admitted to any of the said Places or Imployments: And he adds that the same Instructions are word for word also contained in his present Majesty's Instructions to the Govr., Dated the 1st of July, 1715, By which it appears that both the late Queen was, & his present Majesty is willing that the People Called Quakers, immediately under their Governmt. in New Jersey, should Enjoy the full Privileges which are craved here as due to the People we Represent, by their Charteral Rights under the Govmt. of our Proprietor, Wm. Penn.

To this we may add what has also been observed on the same subject by the Chief Justice of New Jersey, in his Speech Delivered at the Supream Court in May last, at Burlington, which is also printed, Wherein he clearly gives his opinion in Law very nearly in the same terms the Govr. had done before, & then proceeds in these words, vizt:

This act of Parliament of Great Brittain is an Enlargement of the Quakers Privilege to what it never was before. It makes that perpetual to them in England, which before was temporary, & Expired or near Expiring by its own Limitation, Carries the same into that part of Great Brittain, Called Scotland, where it was not before, and makes it perpetual there and into the Plantations generally, for five years. This does no way hinder, but that by virtue of the act of assembly of this Province, (which is a municipal Law thereof,) the Quakers or reputed Quakers are Qualified to be of Juries & Evidence, & bear offices of Trust and Profitt in the Govmt.; Nor but that they may be so Qualified hereafter, by any other Law hereafter to be made for that or the like purpose, altho' by virtue of that act of Parliament they are not so Qualified.

Having thus far stated this point we should now leave, But that we are obliged to give the sense of this House to that part of the Govrs. answer to our Resolves, in which he is pleased to say, that tho' he was of opinion he Could not be safe in giving any Qualification but an Oath, yet by a Dedimus (they the officers and witnesses) might have been qualified as the Law directs.

On which we humbly observe, that tho' it be very certain that a Dedimus Potestatum, duly Issued by the Govr., is no less sufficient in Law for administring the Qualifications to any officer, than the Govrs. act in his own person, which notwithstanding the Govr. has not of late, that we know of, Condescended to, but refused to admitt such of those called Quakers, as by virtue of the Propry's Charter to the People, were elected to serve in certain offices until that more remarkable case of the last Qualification of the Mayor of Philadelpia.; yet no such Dedimus will answer the Exigencies of this Governmt., should the Govrs. opinion obtain, for should it be taken for granted that the affirmation act of this Province is actually Repealed by the act of Parliament, then all such Qualifications will be construed illegal, whether given by himself or other persons Impowered by him, and as the Judges of the Supream Court have rendered their reasons to this House for their not proceeding to try the Criminals now in the Respective Gaols of this Province, vizt.: That they cannot think it prudent to proceed, by virtue of the Govrs. Commission to them in opposition to his opinion in so tender a point as the lives of his Majesties subjects; so all others must be discouraged in cases of such vast consequence, for no Dedimus will make that act sufficient that is in self Illegal.

It has by this time, we hope, clearly appeared from what has been offered, that this opinion of the Govrs. is (with submission) neither founded on Law or reason; But from hence we cannot but desire the Govr. may be induced more seriously, & maturely to consider how unaccountable & astonishing it must appear to mankind, that while such a person as Govr. Hunter, who holds his Commission directly from the Crown, is accountable to no other principal nor under obligations to any called a Quaker as a superiour, has thought it necessary, in the discharge of his trust, to publish his reasons in such a manner for removing mistakes & allaying the Disturbances, from thence fomented, at the same time, tho' such an example be sett to us at no greater distance than the other bank of Delaware, Our Propr., Wm. Penn's Lieut. in the Province of Pennsylvia., should be drawn into measures so injurious, not only to the Interest of his principal from whom he derives his power, but to the very being of the Constitution over which he is intrusted to preside. We heartily wish we could, by any Construction, find other causes to which these procedures might be imputed than a formed design; But we are justly alarmed at some other late Proceedings of the Govr., Which as they have naturally fallen under our notice, we think ourselves also obliged in duty to Represent.

When the House had chosen their Speaker, and the Govr. without any objection Approved their choice, they proceeded to take their usual Qualifications, as the Law in that case directs; But upon the rumours that had been spread of persons disaffected to his present Majesty, that this House might give the utmost Expressions, they could of their Loyalty, they by a message to the Govr. requested to know if besides what they had taken as usual, the Govr. had any directions from Great Brittain, or any further qualifications to offer to the House, to which he was pleased to answer, He had not; The House notwithstanding resolveing to neglect no part of their duty, but to give all the assurances of their Loyalty in their Power, thought fit unanimously to take and subscribe the Test called the abjuration, every one in the way Prescribed to them by the several acts of Parliament, accordingly to their Religious Perswasions, & then proceeded to the business before them.

But being informed that the Govr. had at divers times, & to sundry Persons, charged the present Mayor of the City of Philadelphia, now Speaker of the House, as a person disaffected to his Majesty King George; and that he further alledged the only cause of difference betwixt him and the said Mayor, was because the Govr. would not agree to proclaim the Pretender, or words to the same Effects: the House conceived themselves obliged in duty to his said Majesty, to enquire into the grounds of his heinous Charge, that in Case there should be any found, they might purge themselves of the scandal.

Accordingly, having in a committee of the whole House, taken full proofs that the Govr. had so charged the Speaker, and finding by the same Evidence that He had in the same manner also Charged James Logan, Secretary of the Province, they by a message desired of the Govr. that he would be pleased to lay before the House his grounds for those accusations, but he returned no other answer than that he thought himself not obliged to render any reasons to the House for his accusation, but would do it at the board at home; and the members sent on the message could not perswade him to give any reasons here.

The House hereupon judged it still more incumbent on them to inquire fully into this matter, and accordingly they by a written message informed the Govr.

That being under a deep concern on all occasions to shew their Loyalty as faithful subjects to King George, they could by no means think themselves Discharged of their Duty, without further Inquiry into the truth of the Report which they had Received & acquainted the Govr. with, which affected their Speaker and another person bearing considerable offices and Trusts in this Govermt.; and finding the Govrs. answer to y^e^ last message Concerning the same not satisfactory, they further acquainted him that the House intended imdiately to resolve into a Committee in order to enquire into that matter, and that the said Committee would be desirous to receive from y^e^ Govr. or any other person, any Information Concerning the same, in order to proceed to the Extent of what is their Duty, & purge the House of any member or members thereof that may appear or shall be found guilty of Disloyalty to the King, or disaffection to his Govrmt., under which the House unanimously Declared themselves extreamly happy & well satisfied.

But the Govr., tho' another message was sent him to crave his answer, Could not be prevailed on to give any, but that he had nothing to lay before them; the House notwithstanding while formed into a Committee for that purpose, proceeded to make the utmost inquiries in their Power, but could not find the least ground to suspect the persons charged, or to believe the accusations against them had any manner of foundation.

Now what sentiments can be formed of such a Conduct in a person acting in so Exalted a station, the House must acknowledge themselves to be at a loss to determine; But the House would consider it as no small happiness to the whole province, could they be assured that the Govr. had no design by his representations to any Board at home, to raise a merrit to himself on the ruin of others, who could they be heard there & fully known, might be found as faithfull and Loyal in their stations, to the Present Establishmt. and succession as any of the King's subjects whatsoever; had the Govr. believed the Speaker to be such a person as he has thought fitt to render him, It was doubtless incumbent on the Govr. to except agst. him, when first presented by the House in that station, or had he suspected either the Speaker or any other member to be disaffected to the King, it might no less be Expected that he should have recomended to the House the further Qualification of y^e^ abjuration as a Test to them; But if the Speaker of the House of Representatives of Pennsylvia., & others acting in great Trust, are to be rendered to the ministry or any Board, as persons so notoriously disaffected as the Govrs. Charges imply, & this without the least proof offered here, tho' so importunately & yet dutifully sollicited; It will force all thinking Persons on apprehensions y^t there is more Intended by it than can safely be acknowledged here, where things and persons are better known than can possible be at such a Distance as the other side of y^e Ocean.

Having proceeded to such a length in these two Important subjects, We should now Choose to bring this Representation to a Period, but that the Govrs. written answer to another message from the House Exacts our notice, In which he is pleased to say ; That he is given to understand, (for which he thinks fit to quote the Language of former Assemblys, & some of the Council,) that this House did not design to make Laws nor raise any money this Session, but upon terms inconsistent with the Govrs. duty & safety to Comply with , To which the Justest Reply we Can at present return, is, That this House came together with no other views than to Discharge their Duty in all respects to the best of their skill & power ; and they have nothing to Crave of the Govr., but what they firmly believe is not only his Duty, but for his Honour and safety to grant them, they would willingly have proceeded to enquire what further Laws may be necessary for the well being of the Province in General ; the Govr. having told us in his speech, That if we should have any other bills to offer that might be for the Interest and Tranquility of the people, He should be ready to pass them, and Promised himself that we would make a return suitable to their Circumstances, and the advantages they will receive by them. But in his next written message He informed the House, That we disagreed from both the Council & Assembly, in his opinion, upon a point of such importance to the security as well as tranquillity of the people, that no other bill of ours can be of more to us ; The purport of which was that he declared, (in opposition to both Council and Assemly,) that one of the last Laws he himself had passed, which most nearly affected us, was void, and this by Construction only ; We could not, therefore, find any Encouragement from the Govrs. proposals to us, to think any other bill we could offer was worth the sollicting, and much less deserving a further Consideration.

To this we must not omitt adding, that we find Judgment was give agst. one Hugh Lowden, at the Court of Common Pleas in Septr. last, whereupon the said Hugh Lowdon, giving away to the greatest Resentments & Rage, vowed Revenge at the utmost hazards against the aforesaid Speaker & Secry., (being two of the Justices of that Court) & having furnished himself with pistols, way laid them at their doors, and meeting y^e Speaker y^e same night he presented at him a pistol loaden'd with Bullets, altho' by the overruling hand of Providence no further mischief ensued. As this attempt could not but raise a horror in the heart's of all good men, We find y^e said Lowden was bound over to the Court now sitting, and Indictments were found against him for the same, at which the Govr., instead of protecting the magistrates in the Discharge of their Trust, has now thought fitt to grant Nolle Prosequis in the said Lowden's favour, in the same manner he had formerly done for one ffrancis Philipse, (that scandal to his order,) when Indicted & prosecuted for notorious Crimes, after all the neighbouring Clergy had disowned him.

Which proceedings as they render the administration Contemptible, so we also justly fear they will encourage ill minded men to the same attempts in hopes of yᵉ like favour.

But to sum the whole up, we can truly say, We are extreamly troubled, that we cannot Enjoy the same Happiness that most of our neighbours respectively do, of seeing our Govr. take such measures as should, by an agreeable force, sway the Peoples inclinations to render him Easy in all respects, which can be effected by no means so powerful as first rendring them Easy in the Enjoyment of those privileges which they have an undoubted right to; and we are but too well assured, that the only cause of a failure herein is the Govrs. mistake since the Proprietors Indisposition in the choice of his advisers who, whatever views they may at present form, will at length be found the sole occasion of all the Disappointments that may fall to the Govrs. Portion; For even tho' acting by a Commission immediately from the Crown, He would have the same Injured People to deal with.

And as a further Confirmation of our opinion contained in this Representation, We offer the following Law cases to the Govrs. Consideration.

It is evident that the proviso in the said act of the 7th & 8th of King William in dispensed with, & the solemn affirmacon Extended to Qualify those people in these Plantations which could not be Qualified after that manner in Great Brittain, so that the Extending Clause in the said act of the first of King George being in the affirmative, and to be taken according to the true intent of the makers, cannot alter a former power, nor abolish our affirmation acts founded upon the Kings Charter and Prerogative Royal; and it is absurd to imagine, that because the statute of the first of this Reign is in the affirmative it implies a negative, which excludes the Kings Prerogative or our Charteral Rights, for yᵉ Law is otherwise as appears by authoritys and Resolutions in cases of that nature, as in Doctor Birch's Case Reported by Shower & 4th modern, Its adjudged that the Kings Prerogative is part of the Law of the Kingdom, & the Law is the Judge & measure of Right & Wrong. That the acts of Parliament have received particular interpretations to avoid a Particular Prejudice; But no case can be shewn where tho words of an act of Parliament have been Enlarged to make a Construction to barr or overthrow that which the makers never thought of or intended to meddle with.

The words of the said Proviso in the 7th & 8th are, that no Quaker or Reputed Quaker shall, by virtue of this act be Qualified, &c., which makes it evident that by those Express words, vizt.: by virtue of this act,) the Proviso Extends to none that are to be qualified by any other act or power, as in Doctr. Foster's Case in y^e 11th Report, Its adjudged, That when the Negative clause in y^e act, 3d Jacobi, vizt. : That no person shall be Charged for his Wife's offence, &c., doth not extend to a feme Covert, to be charged either upon the statute of 35th Eliza., at the Queen's suit, or upon the act of 23d Eliza., at the Informer's suit, for the Words are Expressly penn'd., That no person shall be charged for his Wife's offence, by virtue of this act. viz : the act 3d Jacobi.

The statute of 32d, Hen. 8th of Wills is adjudged to be in the affirmative, and so doth not take away a custom of Devising Lands, and yet the Clauses which gives Power to Devise Lands, concludes with these words, viz :

Any Law, Statute, Custom, or other thing heretofore had, made or used, to the Contrary notwithstanding.

In the Case of Blankard & Gundy, in the King's Bench, on a Bond given by the Defendt., for a yearly sum reserved by the Plaintif, y^e Defendt. Pleaded the Statute of Edwd. 6th, made agst. buying & selling of offices, &c.; In which case it was held, that Jamaica was not Govern'd by the Laws of England, and further, that in Barbadoes all freeholders are subject to Debts and are Esteemed as Chattels till the Creditors are satisfied, and then the Laws Descend to the Heir. But the Law is otherwise in England, which shews that tho' Barbadoes is a Parcel of the Possessions of England, yet 'tis not Govern'd by the Laws made in England, but by their own particular Laws and Customs, and for these Reasons Judgmt. was given for the Plaintiff.

In the Case of Wey & Yally, in Debt for rent, upon a Demise of Lands in Jamaica bro't in London, &c. It was adjudged that upon Nil. Debet pleaded, the Defendt. might give the Law of that Countrey in Evidence, and this (as the Chief Justice says) we see every Day done before Committees of appeals from thence, and Justice Powell remembred, that an accon. of false Imprisonmt. had been brought at Westminster against a Govr. of Jamaica, for an Imprisonmt. in Jamaica, and the Laws of that Countrey given in Evidence, by all which it appears that the Municipal Laws of the King's Plantations, are taken Notice of by the Judges & Committees of appeals in England, and allowed to be effectual in Law, tho' they Differ from the Laws there.

And its adjudged in the 5th Report 63, That by a Law or ordinance made in Corporations may be put in Execution without any other allowance, Notwithstanding the Statute of the 19th, Henry 7th, By which it is Enacted, That no masters, &c. of Crafts or Mysteries, nor Rulers of Guilds or Fraternities, take upon them to make any acts or Ordinances, neither to execute any acts or ordinances by them heretofore made in Disheritance or Diminution of the Prerogative of the King, nor of other, nor agst. the Common Proffitt of the

People; But that the same acts or Ordinances be examined or approved by the Chancelr. Treasurer of England, or Chief Justice of either Benches or three of them, or before both the Justices of Assizes in their Circuit or Progress in that Shire, where such acts or Ordinances be made upon pain of forfeiture of forty pounds for every time that they do Contrary.

We do not find by the first of King George that his Majesty's Power of approving the forms of affirmacon prescribed by our Laws is in the least abridged; For the King may Dispence with the statute of the 9th of Edward 2d, which directs the meeting of the Treasurer, Judges & Barons, for pricking Sherifs, because it takes not away the Kings Power to make, but only Directs a form, see Hub. 214, and tho' the statute of 25th, Hen. 8th, Ch. 21, says, That all Dispensation, &c., shall be granted in manner following & not otherwise, yet the King is not thereby restrained, but his power remains full and perfect as before, and He may Grant them as King, For all acts of Justice & Grace flow from him, as Dier. 211: The Commissn. for tryal of Piracy upon the statute of the 28th, Hen. 8th, Ch. 15, is good, tho' the Chancellour do not nominate the Commisrs. as the statute appoints, and yet it is a new Law.

At a Council held at Philadelphia, the 10th Decr., 1716.

PRESENT:

The Honble CHARLES GOOKIN, Esqr., Lieut Govr.

James Logan, Richard Hill, Isaac Norris,	Esq'rs.	Jonathn. Dickinson, Robert Assheton.	Esq'rs.

The Govr. laid before the board the Hardships the Prisoners in the Gaol of Chester, for murthering Jonathan Hayes, Endured & Lay under for want of a Tryal, & Desired the Council to Give their Opinions which way would be most convenient to Expedite their Tryals; and the matter being sometime Debated, the Council were of Opinion that unless the Govr. will Countenance & assist the Judges in the Tryal of the Criminals according to the Laws of the Province, It is reasonable they should be lett to bail till the present seeming Difficulties should be removed, to which the Govr. Concurred.

The Govr. mett the Council no more During the time of his administration, tho' they took vast pains in divers meetings with him, & by other more laborious measures to preserve him from the mischevious Influences of that unhappy man, (who had married his much more valuable sister,) Rd. Birmingham; Divers of them having at sundry times taken Journeys to N. Castle to keep the incensed people of that County, who were more particularly insulted & oppressed, from an Insurrection or intire revolt.

But being by his own Imprudent Conduct much pinched in hi Circumstances, he Endeavoured to be reconciled with the Assembly, between whom and himself these following transactions pass'd.

March, 19th, 1716-7.

A message from the House by Clemt. Plumstead, Jos. Kirkbride, & Jno. Worral, acquainted the Govr. that the House were mett, & desired to know whether he had any thing to lay before them—to which the same members carried the following answer.

GENTLEMEN:

I am very glad of this opportunity of meeting the Representatives of y^{e} People, that I may take my leave of them, for I am well assured I shall soon be superseded, for the little time that I am to be with you, I shall be ready to do the Countrey all the service I can.

I must therefore once more recommend to your consideration wha I laid before the Assembly of last year, & what I have mentioned sometimes to you.

You may be now your own Carvers, and you will not think m unreasonable in my expectations when I tell you that as the firs Assembly I mett with had a regard to the Charge of my Coming over, so you Gentn., who are to be the last, will, I hope in some measure, provide for my going back to seek another Imployment.

I intended to have said more on this subject to you, but the thought of what I have left, to serve Mr. Penn in this Province; The Disappointments I have mett with, & the uncertainty of being provided for at home, so fill my mind, That you will Excuse me that I say n more.

Upon wch a message from y^{e} House by 3 of its members, Jos. Kirkbride, Jos. Redman, & Jos. Pennock, acquainted y^{e} Govr. that y^{e} Assembly had voted him one hund'd. pounds, of wch they desired his acceptance; y^{e} Govr. thanked ym., but said, He hoped they would have made it more; they also desired to know whether he had any thing further to lay before them, otherwise they inclined to adjn. to y^{e} 6th of May next; but y^{e} Govr. desired ym. to meet him in y^{e} morning, & take a Glass of Wine with him.

March 20th, 1716-7.

A message from y^{e} House to y^{e} Govr. by Dav'd Lloyd & Jno. Sotcher, to acquaint y^{e} Govr. y^{t} y^{e} House is mett, & desire to know whether he has any thing further to Communicate to ym. The Gov. desired y^{e} House would make y^{e} sum voted yesterday £200, and accordingly Dav'd Lloyd, Wm. ffishburn & Jno. Sotcher, y^{e} same day presented y^{e} Govr. with y^{e} Speakers Order for the said sum of two hundred pounds.

May y^{e} 16th, 1717.

A message from y^{e} House by Jos. Redman & Jno. Sotcher, informed y^{e} Govr. that y^{e} Asssembly were mett, according to their last adjournment, & crave to know whether he has any late advices from England to communicate to them, otherwise they incline to adjourn to y^e^ 18th Septr. next; to wch the Govr. answered he had nothing further yn. what he had Commmunicated to ym. before; y^t^ he should ever be ready to do y^e^ Countrey all y^e^ service in his power, & that he had no objection to their proposed adjournmt.

Govr. Gookin was superseded by Govr. Keith's arrival with Capt. Annis, y^e^ 31st of May, 1717, and the succeeding minutes of Council were continued by my Deputys, Ralph Assheton & Geo. Barclay, under Governr. Keith's inspection.

J. LOGAN.

END OF VOL. II.

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